

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO) R18-20
35 ILL. ADM. CODE 225.233)
(Rulemaking-Air))
)
MULTI-POLLUTANT STANDARDS (MPS))

TRANSCRIPT OF PROCEEDINGS taken before
HEARING OFFICER MARIE TIPSORD, by Lisa Hahn Peterman,
CSR, RMR, a notary public within and for the County
of Macon and State of Illinois, at the Illinois
Environmental Protection Agency, 1021 North Grand
Avenue East, Springfield, Illinois, on the 16th day
of April, 2018, at 4:00 p.m.

* * * * *

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

2 ILLINOIS POLLUTION CONTROL BOARD

James R. Thompson Center

3 100 West Randolph Street

Suite 11-500

4 Chicago, Illinois 60601-3233

312-814-6983

5 BY: MS. MARIE TIPSORD, HEARING OFFICER;

6

7 ILLINOIS POLLUTION CONTROL BOARD MEMBERS

8 PRESENT:

9 Ms. Katie Papadimitriu, Chairman

10 Ms. Cynthia Santos, Board Member

11 Ms. Brenda Carter, Board Member

12 Mr. Mark Powell, Senior Attorney

13 Ms. Carrie Zalewski, Board Member

14 Mr. Anand Rao, Senior Environmental Scientist

15

16 ALSO APPEARING:

17 MS. TANYA RABCZAK,

Attorney Advisor to Chairman Papadimitriui

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1 HEARING OFFICER TIPSORD: Okay. Well, I
2 have four o'clock and I'll use the mic, so -- most of
3 you know I do pretty good without it -- but I will
4 use it.

5 Good afternoon. My name is Marie Tipsord
6 and I've been appointed by the Board to serve as
7 hearing officer in this proceeding entitled
8 Amendments to 35 Ill. Adm. Code 225.233,
9 Multi-Pollutant Standards.

10 With me to my immediate left is Chairman
11 Katie Papadimitriu, the Presiding Board Member.

12 Also, starting at the very far right is
13 Board Member, Cynthia Santos. Next to her is Board
14 Member, Brenda Carter, and to my immediate right is
15 Board Member, Carrie Zalewski. In between all of
16 them is Senior Attorney, Mark Powell.

17 To my far left is Attorney Advisor, Tanya
18 Rabczak, who is Chairman Papadimitriu's Attorney
19 Advisor, and from our Technical Unit, Anand Rao.

20 Tonight, we will hear oral public comment
21 from those who have signed up and those who may have
22 been added over the next hour. We have 19 people who
23 signed up before I came down here this afternoon
24 about 3 o'clock. I believe there are about 11 or 12

1 more that have signed up.

2 Given the amount of time we have and the
3 fact that I actually specifically have a couple of
4 requests not to speak until after 6 o'clock, we're
5 going to give everybody about five minutes tonight.
6 Mark, can you keep track of that for me?

7 Don't feel you need to use all that time
8 if you don't have something to say, but please feel
9 free to use that time if you want to.

10 I do urge you if you've already filed
11 written comments or you're one of the 3,000 plus that
12 have filed written comments, don't just repeat what
13 you have in the written comment. We've already got
14 that; we're already considering that. Please give us
15 new information or additional information from what
16 you've already given us.

17 If you've spoken at a previous hearing,
18 same thing. We already have that, so we always go --
19 if you weren't there, you can read the transcripts,
20 although, as you can see, pretty much everybody's
21 been at all of them.

22 So use this time to your advantage and
23 give us some more information.

24 We are -- as I spoke to someone earlier,

1 we are information gathering. We take the Agency's
2 proposal and support for that proposal, but we ask
3 that all of you give us information that may be
4 helpful, and please mute your phones, as I hear one
5 go off, so as not to disturb the speakers.

6 With that, Representative Moeller is not
7 here yet.

8 Okay. I have Robin Nolting, followed by
9 Penelope Pentzas. Are either of you here? Oh, come
10 on up. And be sure to give your name, your full
11 name, and spell your name for the court reporter and
12 then go right ahead.

13 And Robin, it's good to see you again.

14 MS. NOLTING: My name is Robin Nolting,
15 R-O-B-I-N, N-O-L-T-I-N-G, and I'm a long-time
16 resident of this very concerning area in central
17 Illinois. I reside in Pekin, Illinois, and work
18 around the Pekin/Peoria area every day.

19 First, thank you for taking your time to
20 hear us and giving us this time today.

21 We are asking the Illinois Pollution
22 Control Board to deny the proposed changes -- and
23 these are new comments, like you said, rather than
24 the same thing from the past.

1 Three days ago, I backed out of my
2 driveway and I drove through our Pekin downtown area
3 and across our Illinois River Bridge between Pekin
4 and Peoria. CI has so many residents pass the Ameren
5 Edwards Dynegy -- now Vistra, I believe -- old,
6 outdated toxic coal-fired power plant every day. We
7 all see it spew poisonous toxins in our neighborhood,
8 air, and we all know it leaches poisonous toxins to
9 our neighborhood ground and our water supplies. I
10 and so many residents and our children and our
11 grandchildren now suffer from chronic respiratory
12 diseases, a well-known terrifying disease. I didn't
13 realize how terrifying it was until I was diagnosed
14 about a year ago this winter with chronic respiratory
15 asthma. I have now, as so many others, stepped into
16 the shoes of the elderly and the young and anyone
17 that has gotten chronic asthma and other respiratory
18 problems. I didn't think I would ever wear those
19 shoes.

20 My daughter has never been able to get up
21 and speak in front of you guys. I think she did once
22 finally because we wanted her to share her lifelong
23 childhood of her chronic asthma. She didn't know any
24 different. She wasn't sure how to express that. Now

1 that I've been in her shoes, I have found that her
2 normal her whole life -- and she's 20 now -- her
3 whole life she's gotten shaky and hyper from the
4 prednisone and the steroids, the nebulizer machine,
5 everything that she has to take, and she did not know
6 that this was not normal. Many of the children
7 nowadays don't have a clue that that is not normal.

8 When I was their age and when I was in
9 school, I don't know if I'd ever seen an inhaler. I
10 don't remember seeing an inhaler as a normal part of
11 my belongings like a purse.

12 We are asking the Illinois Pollution
13 Control Board to deny the proposed changes.

14 And quickly, I have -- I want to add, I
15 have seen so many friends and residents in the Pekin
16 Tazewell County and Peoria County area. We've lost
17 two Afro-American, wonderful advocates in this past
18 couple years, one just recently. I have just watched
19 one of my best friends in Pekin, Illinois, Marlene,
20 sit by her adult daughter's side, and she died of
21 cancer after her chemo and left two children, a
22 husband, and obviously, her mom Marlene, and Marlene,
23 just two weeks ago, also passed away at 50 from this
24 terrible cancer. She was up one day a couple Mondays

1 ago visiting and she said, I'm not going to take the
2 chemo, my daughter's here, and the next day she did
3 not respond when they tried to get her out of bed.

4 And the weather here, I was in a tornado
5 watch Saturday and I was in two blizzards going
6 through Interstate 80 to get back home within a
7 three-hour drive from our area, and the weather
8 outside, I think I might have gotten some frostbite
9 on my fingers. My fault, I should have had gloves
10 on. This weather is absolutely crazy.

11 I hope that you guys regard everything
12 that we are going through and what we live through,
13 and I thank you again for your time.

14 HEARING OFFICER TIPSORD: Before you go,
15 I think you used the initials CI in your speech.
16 Could you tell us what that is?

17 MS. NOLTING: CI?

18 HEARING OFFICER TIPSORD: Yeah. I think
19 you said we're talking about CI residents.

20 MS. NOLTING: Oh, Central Illinois
21 residents, and basically we're talking about the
22 Peoria, Pekin, the whole tri-county area.

23 HEARING OFFICER TIPSORD: Thank you.

24 Penelope Pentzas?

1 Christopher Johnson? Christopher?

2 Okay. Toni O-P-L-T.

3 MS. OPLT: Oplt. And I do always have to
4 spell that name. My name's Toni, T-O-N-I, Oplt,
5 O-P-L-T, and I'm from Edwardsville, Illinois.

6 HEARING OFFICER TIPSORD: Do you want to
7 pull the microphone closer to you?

8 MS. OPLT: All right.

9 Thank you again for letting me come and
10 voice my opinions and my concerns about the proposed
11 changes to Dynegey's Multi-Pollutant Standards. I
12 feel that changing Dynegey's MPS is a mistake. My
13 opinion is shaped not only by a growing concern for
14 the health and wellbeing of Illinois citizens, it
15 comes from a history of inaction by the company
16 itself, so it isn't really a matter of science, it's
17 more a matter of trust.

18 During the recent hearing in
19 Edwardsville, I heard several members of your Board
20 ask Dynegey at least three times if there was a
21 possibility that lowering the MPS would lead to
22 potential shutdowns of the cleanest and most costly
23 plants in order to run dirtier, cheaper plants to
24 increase company profits. After much hedging and

1 vague responses, Dynegy finally admitted that it was
2 possible the company could close clean plants to run
3 dirtier ones, so if the MPS is lowered, we are at the
4 mercy of Dynegy's word that this dangerous polluting
5 scenario would not come to pass.

6 I have little faith in Dynegy's word and
7 here's why. The company has failed to make good on
8 its promise to clean up the unlined coal ash ponds in
9 its closed Wood River facility near my home. This is
10 important because the shuttered Wood River plant, it
11 sits on a floodplain, and heavy rains and rising
12 river levels that are typical in the spring in our
13 region can cause the coal ash plants to overflow,
14 causing carelessly left contaminants to spill into
15 nearby waterways and potentially reaching down-river
16 communities that pull from the Mississippi their
17 drinking water. Meanwhile, the coal ash, with heavy
18 metals, such as arsenic, mercury, and lead are left
19 sitting in a pit leaching into ground water.

20 As of today, I know of no actions on
21 Dynegy's part to make good on the promised cleanup, a
22 promise that is now nearly two years old. So why
23 would I trust Dynegy to keep its word about keeping
24 clean plants open if the MPS is lowered? Perhaps

1 more importantly, why would you?

2 I also think it's important to keep in
3 mind now, that Dynegy merged with Vistra Energy last
4 week, making it the largest coal company in the
5 United States. At the very least, this rulemaking
6 process should be halted until Vistra can participate
7 as its new owner, because right now, we don't even
8 have the proper people at the table to negotiate.

9 So thank you very much for your time.

10 HEARING OFFICER TIPSORD: Penelope? Just
11 double-checking to be sure.

12 Don Dieckman? It's good to see you again
13 as well.

14 MR. DIECKMAN: Good to see you.

15 My name is Don Dieckman. I have been
16 personally affected by air pollution from coal
17 burning power plants for quite a bit of my life,
18 losing my mother to cancer, my father to heart
19 disease, and my younger brother to stroke, all very
20 likely due to our home's close proximity to power
21 plants. My own childhood was spent suffering from
22 asthma, bronchitis, and pneumonia, up until my moving
23 away to college.

24 As Chairman of my local Sierra Club's

1 Climate and Energy Committee and a member of other
2 such organizations, I'm aware of how dirty energy
3 providers are trying to hold their position against
4 clean renewables and to even increase their profits
5 before their product is no longer needed. Such is
6 the case of Dynegy pressuring the IEPA to lower its
7 pollution standards so that they can keep running
8 older, dirtier, but cheaper power plants, while
9 mothballing newer, cleaner, and more expensive ones.
10 This would not only cost rate payers more and
11 eliminate many jobs, but as the Chicago Tribune
12 reported in January, Dynegy could emit nearly double
13 the amount of sulphur dioxide they emitted last year.

14 The IPCB should stand for clean air and
15 the citizens of Illinois, not rubber stamp the
16 Governor's backroom deal to help Texas-based Dynegy
17 and its new parent company Vistra stay ahead of the
18 game. Besides, the acquisition of Dynegy by Vistra
19 will financially help both companies enough that they
20 won't need to gouge and poison their Illinois
21 customers.

22 Thank you.

23 HEARING OFFICER TIPSORD: Thank you.

24 Mary Ellen DeClue.

1 And I apologize for any and all
2 mispronunciations.

3 MS. DE CLUE: You did good.

4 My name is Mary Ellen DeClue. It's
5 spelled D-E, capital C-L-U-E. I live in Litchfield,
6 Illinois. I've lived 14 years in Montgomery County
7 and 41 years in Illinois total. Thank you for
8 conducting this meeting on the lowering of the
9 Multi-Pollutant air emission standards.

10 I worry that the Illinois IEPA has
11 effectively abdicated its responsibility to the
12 health and safety of Illinois citizens. This action
13 by Illinois EPA working with Dynegy has skirted its
14 true mission by failing to adequately protect the
15 health, welfare, property, and quality of life for
16 residents. It's a tragedy that Illinois EPA is more
17 concerned about the profits of a Texas company than
18 the clean air that is breathed by Illinois residents.
19 This is disappointing to me. However, I have been
20 disappointed many times before by how regulatory
21 agencies, namely Illinois EPA and IDNR, do not
22 represent or honor the interests of citizens and
23 communities. These agencies accommodate the coal
24 mining, coal-fired utility complex. They are very

1 much interrelated so as to approve what is most
2 profitable for the complex with little regard to the
3 consequences, in terms of increased damage to health,
4 environment, and the community.

5 The toxicity of coal, coal slurry, coal
6 emissions, coal ash, and coal tar, was never properly
7 addressed by the very agencies that are supposed to
8 protect citizens.

9 My recollections that I'll be presenting
10 are based on the construction of Deer Run Mine in
11 Hillsboro, Illinois, the opening of Shay #1 mine in
12 Carlinville, and the Coffeen Power Plant south of my
13 home. I am surrounded by the coal industry more or
14 less.

15 Illinois EPA, along with IDNR, approved
16 an underground coal slurry injection at the Shay #1
17 Mine. This was approved in Illinois at the same time
18 that there was a moratorium in West Virginia due to
19 extensive groundwater contamination. That really --
20 yeah, I won't go into how depressed I was on that
21 one. The coal slurry injection has continued at this
22 mine site where there was already groundwater
23 contamination from high hazard coal slurry
24 impoundments for over decades. Coal ash is imported

1 from other areas and other states and added to these
2 offending impoundments. Now, think about that. It's
3 already contaminated and we're getting more coal ash.

4 Coal ash even threatens the Middle Fork
5 of the Vermilion River at the closed Vermilion Plant,
6 which is owned by Dynegy. They have -- they've
7 really placed a beautiful, scenic waterway at risk,
8 and it's very, very sad.

9 Deer Run Mine was granted a lifetime air
10 permit with no requirements that fugitive dust be
11 confined to the mine site. Now, think of that. When
12 they were active, residents would complain they
13 worked in the garden, they'd come in, they didn't
14 have to worry about so much dirt on their hands as
15 coal dust on their face.

16 When the mine was active, coal dust
17 permeated the community, and the hospital next door
18 to the mine needed to change air filters much more
19 frequently.

20 There were two petitions signed by
21 hundreds of local residents directed to the Illinois
22 EPA asking -- and actually, we were kind of
23 begging -- for air monitors so residents could be
24 aware of the quality of air that they were breathing.

1 The request for air monitors was denied and the
2 community still does not have any air monitors. In
3 fact, there are no air monitors anywhere in
4 Montgomery County. The lack of air monitoring
5 suggests to me that air quality is not a concern of
6 the Illinois EPA, and residents need to demand that
7 area standards not, please, be lowered.

8 Deer Run Mine has been inactive since
9 2015 due to an underground fire that has produced
10 unsafe levels of carbon monoxide.

11 HEARING OFFICER TIPSORD: That's your
12 time. I'm sorry.

13 THE WITNESS: You know, I was in
14 Edwardsville for many hours. Could I take two
15 minutes from that, please?

16 HEARING OFFICER TIPSORD: All right.
17 We'll give you two more minutes.

18 MS. OPLT: Okay.

19 Deer Run Mine has been inactive since
20 2015 due to unsafe levels of carbon monoxide from an
21 underground fire. The mine has been sealed but that
22 has not put out the fire, and since then, there is
23 another second hotspot found. The community is left
24 with an ongoing safety problem with no apparent

1 regulatory support.

2 The NPDES water permit is another
3 problem, where basically the mine has contaminated
4 surface waters. Also, there is now a permanent
5 placement of two high hazard coal slurry impoundments
6 that, upon failure, will inundate the community,
7 destroying property and loss of life. This very much
8 looks like what's done in West Virginia where they do
9 not do risk assessment.

10 When I realized that Illinois EPA and
11 IDNR were not representing me or my neighbor or
12 Montgomery County, I was determined to tell the many
13 disastrous events that I have experienced the last
14 decade. I'm asking all of you Pollution Control
15 Board members to please not lower the standards.

16 Thank you.

17 HEARING OFFICER TIPSORD: Thank you.

18 Representative Moeller? Penelope
19 Pentzas? Okay. Karyl Dressen?

20 MS. JUEN: Hello. I'm Carol Juen,
21 J-U-E-N. I live in Glen Carbon and I'm a lifelong
22 resident of Illinois and I'll probably die as one.

23 I'm here today to talk about sacrifice
24 zones and to declare that we must not allow the

1 communities in Illinois to become sacrifice zones.

2 The term sacrifice zone has been around
3 since the 1970s and originated with language in the
4 west around strip mining. A sacrifice zone is a
5 geographical area that's permanently impaired by
6 environmental damage or economic disinvestment. I
7 first became familiar with this term while one of my
8 daughters was in grad school in West Virginia
9 studying natural resource economics. West Virginia
10 and much of Appalachia is a national sacrifice zone.
11 The rest of the country, and especially the coal
12 industry, has profited off of the natural resource
13 extracted from that region, while the water, the
14 land, the air, the majestic mountains, and bodies of
15 the people living there have been decimated. The
16 coal industry provided good paying jobs, the only
17 jobs in most cases, but they were not required to
18 invest back into the communities where the mines were
19 located. The profit went into their pockets. When
20 the finite coal supply dries up or becomes too
21 expensive to extract, they close the mines and they
22 leave behind the pollution and diseased miners and
23 community members.

24 Why am I talking about West Virginia and

1 Appalachia? This is a vivid, living example of what
2 a sacrifice zone looks like when profit is put above
3 people and when industry helps to write legislation.
4 It has the lawmakers and regulators in its pockets.

5 This is what I see happening on the part
6 of Dynegey in Illinois. I am gravely concerned that
7 communities in Illinois are about to become
8 throw-away areas. It's said the zip codes are an
9 indicator of what your health is. Already, we have
10 zip codes in Illinois on the worst places to live
11 because of health concerns. Many of them, it's going
12 to grow worse and zip codes are going to be added if
13 this regulation is changed.

14 The people -- it's up to all of us to
15 help the vulnerable people that live in these
16 communities. They don't have opportunities to move
17 away, as some people say, Why don't you just move
18 away?

19 We're hearing more about sacrifice zones
20 as economic and environmental justice campaigns are
21 ramped up in the face of the growing power of the
22 industry of a corporate lobby.

23 Steve Lerner, in a book called Sacrifice
24 Zones says these movements are often led by women,

1 and he asks, Why are grandmothers having to do the
2 job of regulators?

3 It is not the job of the EPA to ensure
4 maximum profit for corporations; it's the job of EPA
5 to protect the health of people and the natural
6 environment in which we hold and trust for
7 generations to come.

8 So I'm asking and saying that I'm hoping
9 we are not going to pick up books and read in the
10 future that Illinois was one of the listed areas of
11 sacrifice zones in the country. Please don't let
12 that happen.

13 Thank you.

14 HEARING OFFICER TIPSORD: Thank you.

15 Ms. Dressen?

16 MS. DRESSEN: My name is Karyl Dressen
17 and I live in Hillsboro, Illinois. I'm a registered
18 nurse and I've worked at the county health department
19 for 21 years, part of that period in their asthma
20 program.

21 The Illinois Department of Public Health
22 stated in their 2015 to 2020 Illinois State Asthma
23 Plan that nationwide the number of people diagnosed
24 with asthma increased by 5.6 million from 2001 to

1 2011. Asthma was the third leading cause of
2 preventable hospitalizations and the leading cause of
3 school absenteeism. Asthma affected about 13 percent
4 of the population in Illinois, but we don't need
5 statistics to know how prevalent asthma is. If you
6 your child or another relative isn't affected by
7 asthma, you probably know someone who is. My husband
8 has severe asthma.

9 The IDPH, in their May 2014 Chronic
10 Disease Burden Update, cited air pollution as being a
11 health hazard, with power plants being one source.

12 The EPA recognized six commonly found air
13 pollutants, including particulate matter, ozone,
14 carbon monoxide, nitrous oxide, sulfur dioxide, and
15 lead as being able to cause serious health problems.
16 IDPH stated that, in general, exposure to air
17 pollutants can increase the likelihood of respiratory
18 symptoms and breathing discomfort in sensitive
19 groups.

20 I oppose the changes proposed by Dynegy
21 and the Illinois EPA and the state air pollution
22 regulations, the Multi-Pollutant Standard, which
23 controls emissions of sulphur dioxide, nitrous oxide,
24 and mercury. Their proposal seeks to change the MPS

1 from a rate-based standard to an annual fleet-wide
2 cap for the entire downstate fleet. Under the new
3 rules, Dynegy could emit nearly double the amount of
4 sulphur dioxide they emitted last year.

5 Dynegy claims financial hardship was the
6 basis for needing these changes. Keeping asthma
7 under control can cause financial strains on families
8 and society in general in terms of medical costs and
9 loss of productivity from missed school or work days,
10 besides a frequently diminished quality of life.
11 Dynegy has now merged with Vistra Energy so should
12 not need to be propped up by these changes for
13 economic stability.

14 Local communities want to keep plants
15 open for their tax revenue and well-paying jobs, but
16 the real rewrite would allow the company to keep
17 their older, dirtier, cheaper-to-operate plants open,
18 which make them more profits, and possibly shutter
19 their cleaner plants, like in our community of
20 Coffeen, that have installed more up-to-date
21 pollution controls, all the while still adhering to
22 the new caps on emissions with the new rules.
23 Ramping up production at their dirtiest plants may
24 increase the company's profits, but at what cost to

1 the health of the people in Illinois?

2 I urge you not to take a step backwards
3 on our air quality by weakening our clean air
4 standards.

5 Thank you for this public comment period,
6 and remember, from a public health standpoint, your
7 decision will affect people's lives.

8 HEARING OFFICER TIPSORD: Thank you.

9 Bob Pashos?

10 MR. PASHOS: Thank you for the
11 opportunity to speak today.

12 My name is Robert Pashos. That's Robert
13 P-A-S-H-O-S. I am a Godfrey resident and a citizen
14 very concerned about the prospect of pollution
15 standards being reduced in a way that would further
16 harm fellow citizens in this and surrounding states
17 and move us in a direction that we should not be
18 going, all so an out-of-state coal power company can
19 bully its way into having more profits in its
20 coffers.

21 I don't like bullies, and right now
22 Dynegy and its buddy, Governor Rauner, are trying to
23 push their weight around like bullies on a
24 playground, and I ask you, the members of the

1 Illinois Pollution Coal Board, to be the adults on
2 the scene and to put a stop to their irresponsible
3 and harmful behavior. We need you to stand up to
4 them. We, the citizens, don't have the authority to
5 do so, but you do.

6 I was present and testified at a previous
7 hearing up in Peoria on this same matter and I was
8 disappointed to hear one after another after another
9 Dynegy employee make false claims -- and I'll repeat
10 that -- false claims that the proposed changes would
11 improve, not worsen, the environmental impact from
12 the coal plants in question. To quote some of our
13 brave youngsters from the past few weeks who are
14 going up against another bully I call BS, no, these
15 proposed changes will worsen, not improve, what is
16 coming out of Illinois' smokestacks.

17 We are not allowed enough time,
18 especially when I was thinking that we had just two
19 minutes, to go into the kind of detail that I promise
20 you I could to prove the false information being put
21 out and the underhanded shenanigans -- because that's
22 what they are -- that went on between Rauner and his
23 backroom dealing EPA and Dynegy's smooth-talking
24 lawyers who helped craft this under-the-table deal,

1 which I truly believe is what it is.

2 Michael Hawthorne of the Chicago Tribune
3 did an excellent exposé that I strongly encourage you
4 to read if you have not already. I'm including a
5 link to that investigative report in this -- that I
6 would -- in a sheet that I will be submitting.

7 I beg of you, stand your ground. Do the
8 right thing. Do not cave in to these bullies.

9 HEARING OFFICER TIPSORD: Thank you very
10 much.

11 And for the record, this will be entered
12 as a public comment when I return to Chicago, so
13 anyone who wants to read it and look at the link can
14 do that.

15 Kathy Van Kampen.

16 MS. VAN KAMPEN: Good afternoon.

17 I'm actually -- I live up in Palos Park,
18 Illinois, and I have never been anywhere near a coal
19 mine or a coal company. This has got something
20 that -- of course, it personally affects me and it
21 affects people, but it's not out my back window. I
22 don't drive through it, I don't drive by.
23 Nonetheless, I care about other people. I care about
24 the people who have had to put up with this all this

1 time, and I cannot fathom why, since Dynegy has not
2 met the promises they've already made to clean up
3 after themselves, do we give them another chance?
4 Why give them another chance? They're not going to
5 do it. They are here to make money, and now Vistra
6 will be here to make money, and whatever promises
7 Dynegy has made, Vistra will not necessarily be bound
8 to them. This is just about them making money and
9 convincing people who are charged with protecting our
10 environment that somehow there's some benefit to the
11 community and that's just not been the experience.

12 What do the citizens of Illinois, and
13 particularly the people who will be personally
14 impacted, actually get from this? What are they
15 getting from this? We know what Dynegy's going to
16 get. They've made a wonderful new merger.
17 Apparently, Dynegy itself is now valued at 20 billion
18 dollars. We know what they're going to get. That's
19 easy.

20 I urge this panel to consider the people
21 of Illinois. There are some of these people back
22 here who are physically feeling it, physically, and
23 their children. Who's going to protect them if you
24 do not?

1 I know you do a good job. I know you
2 take it very seriously what you do, I know that, and
3 it's very hard sometimes to come and get up against
4 these large companies. We can't keep doing it to
5 these people that live there.

6 I've done some research on this, and
7 again, this is not something that I know a lot about,
8 but what I did learn one thing is that we have more
9 than enough generation of electricity right now
10 without those mines to run. We have enough. We have
11 a surplus. One place I read that we have a surplus.
12 So why do we need to accept a way of generating
13 electricity that does this damage? We really don't
14 have to do that. I'm asking you to oppose it.

15 HEARING OFFICER TIPSORD: Would you state
16 your name and spell it, please?

17 MS. VAN KAMPEN: Yes. I'm very sorry.
18 My name is Kathleen Van Kampen, K-A-T-H-L-E-E-N, Van
19 Kampen, two words, V as in victor, A-N, capital
20 K-A-M-P-E-N, and I'm a representative of Sierra Club.
21 Thank you very much.

22 HEARING OFFICER TIPSORD: Thank you.

23 Tracy Fox? And your husband Rick is
24 going to be here after 6:00, is that correct?

1 MS. FOX: I hope so, yes.

2 Hi. Thanks for another opportunity to
3 address you. I appreciate your holding this public
4 hearing. My name is Tracy Fox and I'm a resident of
5 rural Peoria County and I'm a member of the Central
6 Illinois Healthy Community Alliance.

7 I am deeply concerned about the
8 industry-centric regulatory process that seems to
9 have kicked into gear with meetings with Dynegy and
10 the EPA, with no public interest represented at the
11 table from the beginning. It would seem to me that
12 if we are going to overhaul one of the state's
13 preeminent air pollution agreements, something that
14 environmentalists brought together, the EPA brought
15 together industry, that we would open it up to
16 everyone who would participate in that process.

17 I would have also hoped that it would
18 have been looked at from many angles, not strictly
19 focusing on SO2 and nitrous oxide, but perhaps we
20 could look at how climate change, how other emerging
21 threats are being dealt with in the pollution
22 standards, but that's not the route that the EPA
23 chose to go. Instead, they met behind closed doors,
24 and only after a fully-formed and heavily revised

1 proposal came out, did they allow the public to get a
2 look at it, and then we rushed into the start of this
3 process last fall, and I think that the fruit of that
4 poisonous process is an overreaching proposal on
5 Dynegy's part.

6 I am really concerned about just the
7 basic logic of this. I think that keeping pollution
8 levels static from here on out for the life of this
9 fleet -- not the individual plants but the fleet --
10 is a grave mistake to tell citizens we will never
11 improve again; we are just going to have a flat cap
12 and you will have to live with that.

13 If you look at the underlying logic in
14 the MPS, it was all based on averaging, and if I take
15 an average height of the Pollution Control Board, and
16 then Ms. Carter and Ms. Santos leave the room, we
17 would not consider their height in the average, we'd
18 take them out, but this Dynegy proposal, instead,
19 when it goes to the flat rates, it doesn't ratchet
20 down as plants retire, so it means that the citizens
21 of the state are subjected to static pollution
22 levels. It will never get any better under this
23 proposal, and that just doesn't make sense to me.

24 It's especially concerning when I look

1 over the testimony and I see the horrifying specter
2 of Lucy Fraiser standing up and denying human health
3 harms of sulphur dioxide.

4 The EPA, the Illinois EPA, are tasked to
5 act on the science. SO2 levels are set based on the
6 currently available sciences. There's a rich history
7 of studies that have documented this, and every step
8 of the way, it's been very incremental, and to me, to
9 even bring that into it should lead you to question
10 what's the objective of this? Why do they want to
11 continue to pollute this SO2, you know, and I can
12 only say that it has to be based on a profit motive,
13 I mean, because the economics are pretty simple. You
14 can run the older plants without pollution controls
15 much more cheaply than you can run the new plants,
16 and if you can keep your tonnage cap and not adjust
17 it as you take cleaner plants online, there's a lot
18 of opportunity to create some really dirty, cheap
19 electricity, and unfortunately, it's concentrated
20 where those plants are located, and that's especially
21 of concern to me in Peoria, Illinois.

22 The plant, Edwards plant, which has no
23 pollution controls for sulphur dioxide sits in the
24 Illinois River Valley and it is close to my

1 community's poorest zip codes. Those zip codes are
2 recognized as being the second worst place in America
3 for African-Americans to live. To me, that's
4 heartbreaking, and to add to the burden of people who
5 already have poor access to healthcare and live in
6 poverty, to say you are all consigned that you will
7 always have this level of pollution, there's no
8 possibility of it ratcheting down because we've given
9 them a flat cap. We've said X tonnage is okay
10 forever and forever. That is, by definition, making
11 us and other communities where they're accepting old,
12 dirty plants, sacrifice zones.

13 Now, we know that the people coming to
14 the table and asking for this are promise breakers.
15 They break their promises as far as coal ash cleanup.

16 When Dynegy first came to town, a group
17 of Central Illinois Healthy Community Alliance
18 members met with Bob Fleishman. He promised us that
19 within a year he would have a comprehensive
20 environmental plan and a number of community
21 meetings. Now, of course, that never happened.
22 Instead, you know, he immediately was appealing to
23 you all for variance on the pollution control and
24 pleading poverty, even though he had picked up those

1 plants for an 800 million dollar -- in exchange for
2 assuming 800 million dollars in debt.

3 This whole thing is very sad to me, and
4 it's the same old song and dance. This is what they
5 need to avoid plant closures, this is what they need
6 to get their financials right, and they never take
7 into account the people.

8 Because that sulphur dioxide, although I
9 can't point to a particular person that it's harming,
10 we know it's harming people in the community. It's
11 spread out, it's harmful, and I ask you to reject
12 this proposal.

13 Thank you.

14 HEARING OFFICER TIPSORD: Thank you very
15 much, Ms. Fox.

16 Laura Sabransky?

17 MS. SABRANSKY: I'm Laura Sabransky,
18 L-A-U-R-A, S-A-B-R-A- N as in Nancy, S-K-Y, and I
19 live in Chicago.

20 Thank you so much for holding this
21 hearing. In 1993, after decades of daily exposure to
22 airplane suet over my home and also living by the
23 largest industrial center at the time in Oak Grove
24 Village, I was diagnosed with asthma.

1 In summer of 2012, I experienced sharp
2 pains in my chest and restricted breathing during the
3 record number of ozone alert days, you might
4 remember, then discovered another antiinflammatory
5 condition called costochondritis.

6 I am part of a not-so-exclusive group,
7 unfortunately, of 50 million people, who in the U.S.,
8 have chronic, life-threatening respiratory diseases,
9 with African-Americans who are three times more
10 likely to die from asthma.

11 In 2016, I served as an elected Bernie
12 Sanders delegate from the same district as Illinois
13 Pollution Board appointee and State Central
14 Committeewoman Cynthia Santos. Tens of thousands of
15 my fellow voters said loud and clear that we want
16 renewable energy and the end of corporate bailouts
17 and that we're fed up with corruption. Now we see
18 that you, the Pollution Control Board, are
19 considering increasing the limit of pollutants like
20 sulphur dioxide and nitrogen oxide the Dynegy company
21 can emit by as much as 79 percent, upon
22 recommendation by Illinois EPA Chief, Alec Messina,
23 who Governor Rauner appointed under a cloud of
24 federal ethics violations.

1 We also see that our elected General
2 Assembly members are considering bailing out Dynegy,
3 whose coal plants emitted as much carbon dioxide as
4 six million cars last year, even though our state is
5 in financial ruin, so they say.

6 Two weeks ago, I visited the Civil Rights
7 Museum in Memphis for the commemoration of MLK's 50th
8 anniversary of the assassination of MLK, Jr., and it
9 reinforced me that systematic violence upon and
10 commodification of humans is what made our country
11 wealthy, and here we sit today discussing how much
12 more toxic assaults upon our bodies we should
13 withstand so one set of wealthy individuals can
14 continue to profit.

15 Here is what Dynegy CEO Robert Flexon
16 said only three years ago. Flexon said, It was the
17 wrong behavior, quote -- his quote -- for fossil fuel
18 companies to delay environmental improvements.

19 Flexon was right. Humans are not
20 commodities and Dynegy's survival should not depend
21 upon threatening ours.

22 We are relying upon you, the members of
23 the Illinois Pollution Control Board, to protect the
24 health, welfare, property, and the quality of life,

1 which is the mission of the EPA, by voting against
2 this ill-advised rule change.

3 And I did put some links at the end, and
4 thank you for giving us a little bit of extra time
5 because I want to tell you why I really came here
6 today from Chicago -- because of corruption. I feel
7 like I have a chance to address what is potentially a
8 corrupt process going on here right now, and I am
9 urging you to not be codependent to that corruption.

10 I was incensed by reading the article
11 that the gentleman referenced before, the Michael
12 Hawthorne, who is an environmental reporter for
13 Chicago Tribune. You probably know him. He said
14 that the Illinois state government failed to adopt
15 federally-funded, mandated, conflict of interest
16 ethics rules for four decades.

17 Okay. This is not a partisan thing here.
18 I'm not here, you know -- I'm going to mention
19 Rauner, I already mentioned him, but this is our
20 democratically -- Democratic Party controlled mostly,
21 for the most part, Michael Madigan,
22 Speaker-of-the-House-since-1983 government, ignoring
23 us. I was aghast and disgusted.

24 So thank you to the Pollution Control

1 Board in trying to be nice to them last summer but
2 not for the -- Rauner did not do enactments to the
3 Illinois EPA and there was a federal lawsuit by
4 environmental groups to get the federal government to
5 force Illinois to adopt these rules, and we're one of
6 only three states who don't follow these conflict of
7 interest rules for the EPA.

8 Coincidentally, we're one of only four
9 states who doesn't have a fair income tax. Maybe
10 there's some relationship; I don't know.

11 Alec Messina, the Illinois EPA head,
12 worked as a lobbyist for Dynegy and other regulated
13 industries before being appointed to the EPA. He met
14 behind the scenes with Dynegy to come up with these
15 proposed changes to pollute our air and bodies, so
16 this is just an extension of that.

17 I feel very confident, and I don't think
18 we'd be sitting here and taking our time coming
19 here -- I took a day off of work to do this and you
20 all are sitting here at night -- if Alec Messina was
21 not in charge of the EPA and Rauner could not put him
22 on there, I think, in a corrupt way, ignoring ethics
23 rules.

24 I don't know about you, but I see this a

1 lot in Chicago -- I work on electoral campaigns --
2 and it gets frustrating after awhile because people
3 don't want to vote. They say all our politicians
4 and/or government officials are the same, and we try
5 to convince them otherwise because I know that's not
6 true. I know we have very good people sitting here
7 and in our General Assembly.

8 So I'm urging you, don't be the same.
9 Surprise us. Do the right thing. Don't be part of
10 this corruption.

11 HEARING OFFICER TIPSORD: Brent Langley.

12 MR. LANGLEY: So I am Brent Langley, and
13 it's B-R-E-N-T, L-A-N-G-L-E-Y. I'm a resident of
14 Edwardsville.

15 I attended the hearings that you had in
16 Edwardsville earlier this year, and during a break in
17 the afternoon of the first day there, I briefly spoke
18 to a lady from Peoria who was getting ready to drive
19 back home. She had come down for the hearings
20 because she has asthma and she has fears how the
21 effects of the changes to the emission rules would
22 have on her condition, how severely they could affect
23 her and people like her.

24 So I feel that in speaking today, I'm not

1 only speaking for myself but for people like her, as
2 have other speakers earlier than me before me.

3 To me, it seems like this issue comes
4 down to a point where in the Edwardsville hearing the
5 question was put to Dynegy, and the question was,
6 Will the proposed change allow Dynegy to close a
7 clean coal plant, or plants, and continue to run --
8 to run the dirty plants? And the answer was yes.

9 So the reason I'm speaking to you today
10 is I want to express my feelings that, especially at
11 this time when the federal EPA is rolling back
12 environmental protections, we shouldn't be doing that
13 in my state by making this proposed change.

14 I also trust and believe the scientific
15 consensus the climate change belief that global
16 warming is being accelerated by human activities, so
17 my state should not be taking action that will help
18 make coal more cost competitive with other cleaner
19 energy sources.

20 Thanks for letting me appear before you
21 today.

22 HEARING OFFICER TIPSORD: Thank you.
23 Christine Main.

24 MS. MAIN: My name is Christine Main,

1 Christine with a C, Main, M-A-I-N. I'm from
2 Champaign, Illinois. I don't have chronic
3 obstructive pulmonary disease or asthma and I don't
4 live next to a power plant, but I do care about
5 integrity in government and that's why I drove over
6 here today.

7 I'd just like to share a few facts with
8 you regarding the use of coal-based energy in
9 Illinois. Number one, Illinois is the nation's
10 second biggest host to toxic coal ash pits.

11 Number two, there's only one state who
12 has more toxic coal ash pits than Illinois. If we
13 want to have the distinction of being number one,
14 which is a very dubious distinction, then, by all
15 means, we should go ahead and we should make it
16 easier for coal-burning power plants to operate here
17 in our state, and we can go ahead and keep piling up
18 that toxic coal ash full of selenium and arsenic and
19 lead, and who knows what else and, you know, keep
20 making kids sick and keep polluting waterways.

21 My husband happens to be a board
22 certified lung doctor practicing in Champaign. He
23 couldn't be here today because he's working, but he
24 sees thousands of people every year that have

1 breathing problems, asthma and breathing problems,
2 and he asked me to ask you to please do not relax air
3 quality rules. Please do not do that. It makes any
4 people with a predisposition for lung problems, it
5 makes them so much sicker. It makes it so much
6 harder for them to get their breath.

7 The second point I wanted to make was
8 that there are 23 toxic coal ash pits in our state
9 and almost all of them are leaking. I don't have to
10 tell you that, you know, coal burning plants are
11 always located on a river or a lake because they need
12 that water for cooling, and almost all of those are
13 leaking into our water, and I just live 30 minutes
14 away from Illinois' only national wild and scenic
15 river, the Middle Fork of the Vermilion River, and
16 when I canoe past where that -- where those pits are
17 leaking, those Dynegy pits, it makes me sick to my
18 stomach. It is a freaky, unnatural color that does
19 not exist in nature, and it's scary, and you would be
20 very scared if you saw it and you would want to do
21 everything you could to stop it. It's not right.

22 It's just not right that this company,
23 who has acted in bad faith all along, who has
24 absolutely no plans to remediate this problem, why

1 would we give them a break? Why would we make it
2 easier for them to keep doing business in our state?
3 It's just counterintuitive completely.

4 Number three, independent energy experts
5 tell us that there's no evidence that any area of our
6 state is going to go wanting for energy in the
7 foreseeable future. I think Dynegy is just -- you
8 know, it's like telling us the sky's falling or a
9 wolf in sheep's clothing, whatever fable we want to
10 bring out for an analogy. There's no evidence that
11 any part of our state's going to go wanting for power
12 in the foreseeable future. There's a multiple
13 sources for replacing whatever power plants Dynegy --
14 whatever coal plants Dynegy might shut down.

15 And number four, the time has come to
16 face some facts. The handwriting is on the wall. In
17 the last three decades, coal mining employment has
18 fallen 70 percent and the trajectory for the future
19 is the same. Coal mining, thank God, is going the
20 way of the Stegosaurus. It's time. It's time that
21 this happened.

22 The burning of coal is replaced with wind
23 power, solar power, and affordable natural gas. When
24 market forces converge the way we're seeing now and

1 we're seeing these all come together, we need to sit
2 up and pay attention; say, what does that mean? How
3 do we need to be responding to this? I think it's
4 clear how we need to be responding.

5 My fifth and last point is that Texas,
6 the home of Dynegy Energy and Vistra, has become the
7 leading state in the nation for wind power. Isn't
8 that interesting? Leading state in the nation for
9 wind power. By the end of the year in Texas, wind
10 energy -- production of wind energy is going to surge
11 past coal energy in Texas. Does Texas know something
12 we don't know? Because they're going full out with a
13 vengeance in wind power but their companies are
14 trying to burn dirty coal in Illinois, so
15 somebody's -- somebody's getting the raw end of that
16 deal and it might be Illinois, and I hate to see
17 that. Let's not grease the way for more coal burning
18 when Dynegy's home state is pursuing wind power the
19 way they are.

20 I could stand here a long time and go on
21 and on and on with facts. There's a lot of facts.
22 There's a lot of things. I think you've probably
23 heard most of them, but there's a lot of reasons to
24 kill Senate Bill 2250 and House Bill 441, and I've

1 just tried to focus on the most egregious arguments
2 and the ones that maybe you haven't heard quite as
3 much, but I am begging you, please, please, do your
4 jobs. Please don't let these rules become relaxed,
5 okay? Make an informed choice and protect our air,
6 our water, and our health in our state.

7 Thank you.

8 HEARING OFFICER TIPSORD: Thank you.

9 Connie Schmidt?

10 MS. SCHMIDT: 60-year-old eyes.

11 My name is Connie Schmidt, S-C-H-M-I-D-T.

12 I live in Warrenville, Illinois. It's in DuPage
13 County, about 40 miles west of Chicago.

14 As the Chair of the Illinois Chapter of
15 the Sierra Club, I stand before you today
16 representing literally 100,000 members and supporters
17 that live in Illinois. The Sierra Club works to
18 protect our air, our land, and our water for
19 residents now and for generations to come.

20 We are urging you to deny the request to
21 rewrite the Multi-Pollutant Standard to benefit
22 Dynegy, or Vistra, depending on the name that you are
23 calling this company since their merger.

24 When company equipment is outdated, as

1 the aging coal plants are, it is not fiscally
2 responsible for them to run and function. Just as we
3 replace our cars, we replace our computers as new
4 technology is available, we must admit that new,
5 cleaner forms of energy are available here in
6 Illinois to replace these aging coal plants.

7 Embracing renewable energy resources is
8 essential rather than staying in the horse-and-buggy
9 era of fossil fuels.

10 The goal to rewrite the rules is to keep
11 the oldest, dirtiest plants operational at the
12 cheapest cost, rather than run more efficient, newer
13 plants that they have, that have more environmental
14 protections.

15 It was in 2006 that the Clean Air
16 Standards were enacted to protect our air quality.
17 To loosen those requirements in order to emit nearly
18 double the amount of harmful chemicals is
19 unconscionable for the local residents and others of
20 our state.

21 We urge you to deny this request because
22 it pollutes the air for our citizens, the technology
23 is outdated and not worth subsidizing, and the grid
24 does not need the power from these aging plants.

1 Thank you for the opportunity to have
2 arguments heard, and we appreciate the name of your
3 agency, the Illinois Pollution Control Board.

4 Thank you.

5 HEARING OFFICER TIPSORD: Rachel
6 Tompkins.

7 And Rachel, you had initially indicated
8 that your husband might also like to speak? We have
9 time if he wants to.

10 MS. TOMPKINS: He's willing to allow me
11 to speak for him.

12 Thank you, Ms. Tipsord, and thank you,
13 members of the Pollution Control Board. My name is
14 Rachel D. Tompkins, T-O-M-P-K-I-N-S, and I'm from
15 Edwardsville, Illinois. I'm a small business owner.

16 At this point in the day, perhaps you
17 will appreciate it that I'm going to be quite brief.
18 I can't top some of what has preceded me and I think
19 you've had a lot of information presented.

20 Speaking for myself and my husband,
21 Alexander James, I oppose changing the air pollution
22 MPS standard regulations that have been carefully
23 crafted to protect public health and to which both
24 Dynegy/Vistra and Ameren coal have formally agreed to

1 adhere. The reason for the request for the change
2 appears to be to keep certain coal-fired plants open,
3 but there is no guarantee that that will happen, and,
4 in fact, more environmentally safe plants may close,
5 leaving those emitting more hazardous material open,
6 which this requested change would allow, so I oppose
7 this change.

8 Thank you.

9 HEARING OFFICER TIPSORD: Thank you.

10 MS. TOMPKINS: We. We oppose.

11 HEARING OFFICER TIPSORD: Greg Pagliuzza.

12 Greg, are you here yet?

13 Okay. That is all the people that had
14 signed up. Let me double-check.

15 Penelope, did you come in? Okay. Let me
16 get the list.

17 One last chance. If you want to speak, I
18 have a signup sheet right here. Anybody else? I say
19 one last chance, but you all know at the end I'm
20 going to ask again, right?

21 And by the way, if, Ms. Fox, when your
22 husband gets here, let me know for sure and there are
23 a couple of other names that I called off that
24 haven't shown yet. If they come in, we'll get back

1 to them, we'll circle back, and I'm going to try to
2 read the writing.

3 Kay Ahaus. We met earlier.

4 MS. AHAUS: Good afternoon, and thank you
5 for allowing me to say my piece. My piece is that we
6 all live down river, we all live downwind of some
7 plant somewhere. I don't happen to live too close to
8 the Edwardsville retired plant, but I certainly live
9 near the river that it has seeped into.

10 As public servants, you all are our sort
11 of shield against politicians, and we need that
12 because our democracy is being attacked on all sides,
13 so I'm going to read what I wrote, but I have two
14 concerns; one is for the environment -- actually
15 three -- one is for the economics and one is for our
16 democracy.

17 Coal ash kills innocent residents in
18 Illinois. You just heard about that. It does it
19 through water pollution. Coal ash kills innocent
20 residents in Illinois through air pollution. We just
21 heard all about that. And we have some of the
22 dirtiest air in the nation in Illinois, and I wish I
23 had known that before I moved here from Oklahoma,
24 which is a pretty dirty place.

1 The decision to close all coal plants in
2 Illinois is what I feel the people of Illinois want
3 you to do. To allow Dynegy to double down on the
4 pollution and water control is unfathomable. Please,
5 please put the health and wellbeing of us, your
6 constituents, ahead of profits for that dirty Texas
7 company because the economics for Illinoisans are
8 going to be way up in healthcare, higher taxes to
9 pick up their dirty pollution, and for what? That
10 money is not going to stay in Illinois. It's going
11 to go elsewhere.

12 Coal has been subsidized in many ways for
13 centuries. If you can't make it in our environment
14 that's very business oriented, it is time for coal to
15 go.

16 Dynegy and Rauner have circumvented open
17 government. They've shown a reckless disrespect for
18 democracy by meeting behind closed doors. They put
19 health and economy and environment below profits for
20 Dynegy.

21 As you heard here today, it's high time
22 for Illinois to get aboard the solar express.
23 Renewables are here to stay, and that's where all the
24 jobs are, folks. The jobs are not in coal anymore.

1 That is the fossil of fossil fuels. There's no
2 future in coal. Dynegy knows that and they know that
3 the air pollution they created has resulted in deaths
4 from asthma, chronic pulmonary disease, and heart
5 disease. They also know that many chemicals from the
6 slurry ponds lead to cancer, diabetes, osteoporosis,
7 and death. They've tried to hide those dirty
8 secrets, but the public knows. We know what they've
9 done. Use coal, kill earth. Use coal, for sure
10 you're going to kill our Illinois economy.

11 Please don't do this bailout, and I'm
12 sorry I didn't spell my name for you. It's K-A-Y,
13 A-H-A-U-S.

14 Thank you all for letting me come.

15 HEARING OFFICER TIPSORD: Thank you.

16 Rachael O'Reilly.

17 MS. O'REILLY: Hello. Nice to see you
18 all again. My name is Rachael O'Reilly,
19 R-A-C-H-A-E-L, O'Reilly, capital O, apostrophe
20 R-E-I-L-L-Y.

21 As the weather patterns become more
22 erratic, the storms more severe and life-threatening,
23 we can't afford to relax regulations that were put in
24 place to keep the public and planet safe. Climate

1 change is long-term, and the overall temperature,
2 with massive and irreversible ramifications. Radical
3 steps need to be taken now to ensure the
4 sustainability for our survival and the survival of
5 younger generations to come. Ninety-seven percent of
6 scientists agree the warming of our planet is not
7 caused by variations in earth's orbit, but rather,
8 human activity. The other three percent of
9 scientists are most likely paid to misinform the
10 public by corporations that profit off pollution,
11 like Dynegy and Vistra.

12 A two degree Celsius rise in temperature
13 threatens the food, water, shelter, energy grid and
14 health of everyone on the planet. Seventeen of the
15 18 hottest years on record, dating back from 1880,
16 have occurred since 2001.

17 Coal is outdated and the biggest sort of
18 carbon-emitted energy. It's a dying industry. Let
19 it die. As renewable energy like wind, solar, and
20 hydro are becoming more in demand, the cost for
21 sustainable energy is dropping.

22 In order to compete with clean energy,
23 Dynegy is asking you, the Pollution Control Board, to
24 change rules and relax regulations that were put in

1 place to ensure the safety of the planet and health
2 of Illinois residents.

3 The Board should not only reject this
4 proposal, but enforce tighter regulations. It should
5 call for fossil fuel divestment. The solutions are
6 already here. There would be no job losses, as
7 employees of the coal industry would transfer to
8 renewable energy projects.

9 The path we are on now, the future will
10 hold no jobs for anyone, as there are no jobs on a
11 dead planet. At this rate, a two degree Celsius rise
12 will cause the oceans to acidify, threatening
13 oysters, crabs, and corals from their protected
14 shells, thus threatening the entire oceanic food web,
15 increasing the threat of future food shortages.
16 Other diseases, like Lyme disease and malaria, will
17 spread to new regions with rising temperatures and
18 changing rain patterns.

19 We should be taxing polluters like Dynegy
20 to pay for the medical costs many Illinois residents
21 already have due to living within close proximity of
22 operating plants.

23 There is no such thing as clean fossil
24 fuel. It's time we left it in the ground and put the

1 people on the planet first, over fattening the
2 pockets of the few.

3 Thank you so much.

4 HEARING OFFICER TIPSORD: Calvin
5 Patterson. One more time, Calvin Patterson.

6 MS. O'REILLY: He might want to go later.

7 HEARING OFFICER TIPSORD: Okay.

8 Cat Van Winkle.

9 MS. FOX: I think that's Carol Van
10 Winkle.

11 MS. VAN WINKLE: It is.

12 HEARING OFFICER TIPSORD: I swear that
13 looks like a T.

14 MS. VAN WINKLE: Thank you for allowing
15 me to speak to you this evening, and my name is Carol
16 Van Winkle. C-A-R-O-L, last name V-as in victor,
17 A-N-W-I-N-K-L-E. I live in Hanna City, Illinois,
18 Kickapoo Township, 61536. Thank you for holding this
19 hearing.

20 In 1990 I developed asthma; first time,
21 never had a problem before. For the next 20 years,
22 it was a round of inhaled corticosteroids, albuterol
23 inhalers, sometime a nebulizer, and all their side
24 effects. Then around 2010, I started having fewer

1 problems breathing, only needing medications when I
2 had a respiratory illness. By and large, I could go
3 outside with no problems. Today, steroids are a
4 thing of the past. Occasionally, I'll need help from
5 my inhaler, but 95 percent of the time I can live a
6 normal life.

7 Now, I understand that a business has
8 requested to go backwards to allow more emissions and
9 I'm worried. The environmental control -- I mean,
10 you've done good. In the past you've cleaned up a
11 lot -- I'm breathing -- but please keep going forward
12 to cleaning up the environment because that's who you
13 are. The Illinois Environmental Protection Agency,
14 the Pollution Control Board, you represent citizens.
15 You represent me, you protect me, not big business
16 and not their profit margins.

17 So I'll end this by saying, please do not
18 lower the standards. I'm rather used to breathing
19 easily and I like it.

20 So thank you very much.

21 HEARING OFFICER TIPSORD: Thank you.

22 And Ms. Van Kampen, did you sign up
23 twice?

24 MS. VAN KAMPEN: I think I signed up and

1 then didn't realize.

2 HEARING OFFICER TIPSORD: I just wanted
3 to double-check that I wasn't misreading.

4 Reverend Marcus Fogliano.

5 MR. FOGLIANO: Good afternoon. My name
6 is Marcus Fogliano, and I am here from Peoria,
7 Illinois, and I just wanted to take a moment to
8 remind you all that as the state of Illinois, we are
9 responsible to the people. We are caregivers of the
10 earth. That is your responsibility to guard our
11 environment above the profits of others.

12 We have entered this time in our society
13 where we value profit for corporations over the very
14 lives of the people that we are sworn to protect, and
15 I am here to ask that you remember that we are here
16 to protect the members of our society over the
17 profits of a few and that we need to make sure that
18 we are safeguarding our air so our children have --
19 are able to breathe deeply and to live wholly in
20 their life.

21 So thank you.

22 HEARING OFFICER TIPSORD: Could you spell
23 your first and last name?

24 THE WITNESS: So it's Marcus,

1 M-A-R-C-U-S, F-O-G-L-I-A-N-O. Thank you.

2 HEARING OFFICER TIPSORD: Thank you.

3 Susan Latta, L-A-T-T-A. Susan?

4 MS. LATTA: My name is Susan Latta,
5 S-U-S-A-N, L-A-T-T-A. I live in Bartonville,
6 Illinois, and kind of like Sarah Palin, I can see the
7 red and white smokestack of Edwards plant from my
8 house. I can also see the coal dust that gets inside
9 the grooved aluminum back porch that I have, and now
10 I'm starting opening my windows because I can't
11 afford the air-conditioning.

12 I'm a little concerned about the coal
13 dust. This is my first shot at doing this. Everyone
14 has a lot of nice factual information; mine is more
15 of an emotional plea.

16 I have a close family member who's lived
17 in the Peoria area her whole life and she has
18 experienced some problems due to arsenic exposure,
19 so, of course, I'm with everyone else who has spoken,
20 in that I certainly don't want a reduction in
21 pollution control, and I think it would be great if
22 we had an increase in pollution control.

23 Regarding my granddaughter, she ended up
24 with a fetus that was diagnosed as having

1 encephalocele. It's caused by arsenic, and basically
2 what it is, is the sutures in the back of the skull
3 don't close as the fetus is forming and causing the
4 brain to push out from the skull so that it's exposed
5 beyond the skull of the back of the head.

6 Oftentimes, the fetuses don't survive from this. If
7 they do, they're severely mentally retarded and
8 they're blind because the cortical blindness -- I'm
9 an occupational therapist, so terminology-wise is the
10 center -- at the rear of the brain is what interprets
11 what the eyes see, so if the rear of the brain is
12 damaged, there's no vision, and then also the balance
13 is severely impaired with these fetuses if they come
14 to full term and survive.

15 So my concern is about heavy metals and
16 arsenic, and it's a pretty sad situation when things
17 like this occur. They don't occur very often.

18 There's a lot of people with asthma. There's not as
19 many people that end up with encephalocele, but it's
20 extremely severe when it does happen.

21 And that's all I have to say.

22 HEARING OFFICER TIPSORD: Thank you very
23 much.

24 Mary Hayes.

1 MS. HAYES: Good afternoon. My name is
2 Mary Hayes. I spell that M-A-R-Y, H-A-Y-E-S. I live
3 at 2915 West Ann Street, Peoria, Illinois, 61605.
4 That is a zip code that is second in the country for
5 poorest African-American treatment, and it's next to
6 the Edwards plant.

7 Now, you have me today because my friend,
8 Lou Washington, testified at the EPA hearing on
9 August the 3rd, 2016. My friend and neighbor died.
10 She had asthma and we lost her, so you get me. I'm
11 here to fight for Lou.

12 I'm retired from NASA on the Hubble space
13 telescope. I went into nursing. I've been to
14 Bradley University and to ICC, Illinois Central
15 College in the School of Nursing. I have two
16 teaching certificates, and I represent 11,605
17 registered voters in 61605.

18 I'm asking you today, please stop the
19 regulations on Edwards. It's polluting by sending
20 through the air, air pollutants to my zip code in
21 Peoria, which is the closest zip code to the Edwards
22 plant.

23 I thank you for hearing me today, and my
24 concerns are many, but I'm asking that you deny the

1 changes that this mega-million-dynasty Vistra
2 outdated coal power plant is doing to my citizens.

3 I want you to take into consideration
4 that Lou Washington was a human being. She did not
5 deserve the treatment that these coal plants have
6 done. She -- when she went on the bus trip with me
7 to Chicago to testify on the EPA, she took her
8 inhalant, and she took her grandchildren and she took
9 her great grandchildren and she took her children
10 with her.

11 The lady that's sitting next to her is
12 Shawna Lemon. She is the sister of Reverend Lyons,
13 who ministers to the Saint Zion Church in my
14 neighborhood. 61605 needs an advocate and I'm it,
15 and I want you to put this in the record.

16 HEARING OFFICER TIPSORD: We'll do so.

17 Okay. Quick runback through the list.

18 Penelope, have you arrived?

19 Greg Pagliuzza?

20 Calvin Patterson?

21 Barbara G-U-R-T-L-E-R? Thank you.

22 MS. GURTLER: I am Barbara,

23 B-A-R-B-A-R-A, Gurtler, G-U-R-T-L-E-R, and I am a

24 member of Sierra Club.

1 We all know, including you, the members
2 of the Illinois Pollution Control Board, that
3 microscopic toxic particles in the air we breathe
4 causes many children and lots of adults to have
5 respiratory problems, along with all kinds of other
6 problems, even causing death.

7 Even if a person doesn't get noticeably
8 sick, their body is still being damaged by the toxic
9 particulate matter. These microscopic and
10 not-so-microscopic particles settle into the soil and
11 into the bodies of water, causing further problems
12 for human beings.

13 Not all, but a lot -- most, much -- of
14 this toxic material comes from coal-fired power
15 plants, and it is especially bad for people living
16 close to one, as you have heard. I am from Peoria,
17 and we have the Edwards Power Plant right next door.

18 So why is this group -- you, the EPA, the
19 designated to protect our health and our
20 environment -- working behind closed doors, along
21 with Governor Rauner, to come up with a deal that
22 will let Dynegy do even more damage than they're
23 doing right now? Putting their profits over the
24 health of hundreds of thousands of people just does

1 not make sense.

2 Please do your job and deny Dynegy their
3 request and go ahead and protect our health, our
4 quality of life, and our environment.

5 Thank you for listening.

6 HEARING OFFICER TIPSORD: Thank you.

7 Amanda Hancock?

8 MS. HANCOCK: Thank you for being here
9 tonight and allowing me and everybody to speak.

10 My name is Amanda Hancock and I work for
11 Prairie Rivers Network. Prairie Rivers Network is
12 Illinois' advocate for healthy rivers and clean
13 drinking water, and we are the Illinois affiliate of
14 the National Wildlife Federation. We are a
15 membership-based organization with over a thousand
16 members statewide.

17 Prairie Rivers Network is concerned about
18 the proposed change to the Multi-Pollutant Standard
19 Rule. We were one of 13 organizations last August
20 who asked the IEPA for a 30-day extension to have
21 additional time to review and submit comments about
22 the rule change.

23 At that point in time, IEPA spent over
24 eight months communicating with and receiving

1 significant input from Dynegy about the rule change.
2 Environmental and community groups were given less
3 than one month to review the information, and then
4 the IEPA declined a request for an extended comment
5 period.

6 In recent years, hundreds of large power
7 plants have retired across the United States, with
8 hundreds more nearing the end of their useful lives.
9 Independent research shows that low natural gas
10 prices and coal plant age are the main factors
11 driving plant retirements, not environmental
12 regulations. Dynegy has made statements threatening
13 to retire more than a third of its downstate
14 generating capacity. In fact, in Dynegy's own
15 comments to the Illinois Commerce Commission earlier
16 this year, they pointed out that their new owners,
17 Vistra Energy, are also in the business of closing
18 power plants. In 2017, Vistra closed three
19 coal-fired power plants in Texas, part of the fleet
20 that they had recently acquired. Vistra's CEO had
21 suggested that they will treat Illinois' Dynegy fleet
22 similar to that fleet that they had acquired in
23 Texas.

24 As Dynegy and Vistra consider plant

1 retirements, as they have told us that they are
2 doing, the economics will tell them to close their
3 most expensive plants first. Communities and
4 advocates have fought for years to get assurances
5 that scrubbers would be installed at these power
6 plants in Illinois. With this rule change, Dynegy
7 has the ability and incentive to retire the cleaner
8 plants that are more expensive to run. They will
9 continue to run the cheap, dirty plants, and these
10 communities will never see investments into the clean
11 air that they have promised.

12 Our pollution rules should provide
13 incentive and regulation to ensure that the
14 coal-fired plants running in Illinois are the
15 cleanest possible, using the best technologies
16 available. This rule change has the potential to
17 create the opposite scenario, where scrubbers are
18 scrapped and Illinois is left with its dirtiest coal
19 power plants that don't utilize available
20 technologies.

21 When we are considering regulations, we
22 must consider what the energy scape looks like years
23 from now, not what it looks like today.

24 Prairie Rivers Network asks that the

1 Illinois Pollution Control Board deny the proposed
2 rule change and the Multi-Pollutant Standards.

3 Thank you.

4 HEARING OFFICER TIPSORD: Don Necessary.

5 MR. NECESSARY: Hello. My name is Don
6 Necessary, spelled D-O-N, N-E-C-E-S-S-A-R-Y. My
7 presence is necessary.

8 First, I grew up in Morton, Illinois,
9 downwind of the coal plants, CILCO plant in Peoria,
10 and Powerton and Edwards; the steel mills,
11 Caterpillar, all the industrial area.

12 I am not suffering myself, but I have a
13 son who's asthmatic, and I have two grandchildren,
14 and I did work in Washington, D.C., for 16 years as a
15 mathematician and have seen firsthand the effects of
16 acid rain out east, which is kind of surprising than
17 somewhat here, where you see a lot more greenery.

18 First of all, I'm a grandfather and I'm
19 here to represent them, and in their behalf, I wish
20 to oppose the relaxing of the MPS standards for the
21 benefit of Vistra and Dynegy.

22 I think -- it disturbs me that the IEPA
23 will accept rewrites of air standards that are --
24 reported in the Chicago Tribune, under the new rules,

1 Dynegy could emit twice the amount of harmful sulfur
2 dioxide than they emitted last year by allowing
3 Dynegy to keep cheap, dirty plants open, while
4 closing cleaner ones, still polluting the rivers, and
5 I think that's basically why everybody wants to
6 operate here in Illinois, because the water -- we
7 have water, and it's cheap, and we might as well turn
8 Illinois into a third world country and take care of
9 that until the energy or coal is no longer viable.

10 Speaking of the future -- and this is
11 what my grandchildren will live in -- we all know the
12 future. We know coal doesn't have a future. You
13 don't have to be a mathematician to understand that.
14 It's been pointed out and cases have been made, and
15 I'd just like to suggest that if Dynegy wants to make
16 money that they invest in solar and wind power.

17 Thank you.

18 HEARING OFFICER TIPSORD: Chris Krusa?

19 MR. KRUSA: Can you hear me all right?

20 My name's Chris, C-H-R-I-S, Krusa,
21 K-R-U-S-A. I live in Glen Carbon, kind of an
22 oxymoron.

23 My friend Carol Juen, who was here and is
24 a neighbor, talked about sacrifice zones. I've never

1 heard that term before. The carbon aspect of Glen
2 Carbon is there because of coal miners, and as a
3 consequence, we know that everybody who lives in Glen
4 Carbon has to buy subsidence insurance, okay? So
5 there are major impacts left after coal mining takes
6 place.

7 I am also a Sierra Club executive
8 committee member, and my focus since we moved from
9 the Washington, D.C., area in 2007 has been to reduce
10 carbon emissions. A major project that I've been
11 involved with in the last two years is bulk solar
12 programs that have been taking place now in
13 Edwardsville and Godfrey, and upstate in
14 Urbana-Champaign, and it's a great program, and I
15 hope that it continues for the next several years to
16 replace coal.

17 My wife and I, Lorraine -- my wife's name
18 is Lorraine -- and I have lived in Glen Carbon since
19 2007. The proposals to revise the Multi-Pollutant
20 Standard for Dynegy/Vistra is particularly
21 concerning, as I have recently been dealing with a
22 pulmonary embolism issue and my wife has recently
23 been diagnosed with atrial fibrillation. We are both
24 in our 70s. I'm a little bit older than she is.

1 This change would allow this company to run dirtier
2 plants and shut down cleaner ones, all the while
3 increasing profits for shareholders at a company
4 located in Texas, not in Illinois.

5 The proposed new rules could double the
6 pollution in our communities. The risks and costs to
7 us and fellow citizens who have heart and lung issues
8 is unacceptable. The risk of carbon emissions to our
9 planet is just as unacceptable. There is a risk to
10 jobs in the coal industry, as occurs in many other
11 industries, but there are efforts to help workers in
12 transitioning.

13 I worked in the maritime industry,
14 seafaring ocean ships, for many years, while
15 commercial ships' crews transitioned from 45 persons
16 per ship to less than 20 per ship, while the ship
17 size went from 10,000 tons to over 300,000 tons. You
18 do the math. Transitioning jobs does really work.

19 I am particularly concerned that IEPA is
20 allowing this proposal to be considered at all. IEPA
21 is the Illinois agency that is supposed to protect
22 our environment.

23 Any increase in coal power plants
24 allowing emissions flies in the face of the intent of

1 the overall provisions of the newly enhanced Future
2 Energy Jobs Act, or FEJA. FEJA is designed to
3 produce clean energy. More dirty energy is an
4 oxymoron.

5 The Clean Area Standard was created in
6 2006 to cut dangerous pollution and protect public
7 health. It helps to reduce carbon emissions and
8 fight global warming. That's still a valid -- a very
9 valid term, global warming -- so bailout of these
10 companies will increase emissions, and that is
11 unacceptable.

12 So we ask that IEPA and the Pollution
13 Control Board make the decision to deny the
14 Dynegy/Vistra request to rewrite the Multi-Pollution
15 Standards. Let's get on with protecting our precious
16 air and water.

17 I'd like to also say that I was selected
18 by my Sierra Club group in Alton -- we call it the
19 Piasa Policies Group -- as the defender of the
20 planet, okay? You see we are wearing these shirts,
21 so all of the folks here who have red shirts are --
22 they're fellow defenders of the planet, and I invite
23 you to be defenders of the planet, too, and if you
24 want one of these T-shirts, that can be arranged.

1 This young lady over here has been very
2 patient right there.

3 Would you like to show off your T-shirt?

4 Thank you for allowing us to present our
5 testimony.

6 HEARING OFFICER TIPSORD: Thank you, sir.

7 Joyce Blumenshine? Welcome back.

8 MS. BLUMENSHINE: Thank you. My name IS
9 Joyce Blumenshine, J-O-Y-C-E, B-L-U-M-E-N-S-H-I-N-E,
10 and I do thank you Madam Hearing Officer and members
11 of the Illinois Pollution Control Board, and I almost
12 came up here to apologize because I have been before
13 you so many times. You must be really bored. I'm
14 aging before you but I'm not going to apologize.

15 I've been at hearings on Ameren when they
16 wanted waivers because of economic problems, and I've
17 been here before on many other occasions, and I'm not
18 going to quit, because I'm still an advocate for
19 Peoria, Illinois, as a volunteer for Heart of
20 Illinois Sierra Club, and I am a resident, and I am
21 not going to quit when I see Illinois EPA basically
22 take a rule change and hand it to you when they know
23 the company wrote it and they know that those of us
24 in Peoria are going to be hotspot burdened for

1 decades, or who knows how long, with added pollution
2 that we don't need that we should not have to
3 socialize the costs of pollution for the profits of a
4 company that, of its own, is very questionable.

5 So here's three points I want to just
6 give you comments on. I just don't understand why
7 you can't just deny this request as unjustified on
8 the economic grounds. Dynegy wants operational
9 flexibility and economic stability. Well, the
10 landslide for them is obvious.

11 I have two exhibits, and one exhibit is
12 really showing that Dynegy/Vistra -- they are now
13 Vistra; they're called Vistra -- and their CEOs are
14 on the Vistra Board as of April 9th.

15 This is an article about the merger is
16 completed, and I believe it was mentioned before that
17 they have a great cash flow under Vistra,
18 Dynegy/Vistra, and it's now -- Vistra said they will
19 be able to free up and provide significant excess
20 cash for diverse capital allocation opportunities,
21 reduction of debt, and disciplined global
22 investments, and return of capital to our
23 stockholders, including share purchases and
24 dividends.

1 It's all about money and that is
2 unfortunate for the public and myself in Peoria, but
3 this item shows that the economic need is in the
4 past.

5 And the other question is, how can this
6 proceed when Dynegy really actually no longer exists?
7 They are not Vistra. Can you not just say this is no
8 longer possible because Dynegy's gone? I don't
9 understand those things, so I'll leave that for you
10 and your attorneys.

11 I do ask you to look at the 2006
12 Multi-Pollutant Standard. That was done through
13 scientific evaluation, through public hearings, and
14 it does have insurances that keep more plants running
15 than if you accept the new proposal.

16 I am sure that you are aware that if you
17 give this proposal that's before you the approval and
18 give them these mass emission limits that I see as
19 fraudulent, it's not protective of public health and
20 it's not protective of the plants continuing to
21 operate because, obviously, the cleaner plants can
22 close and the dirty plants can run more, and the fact
23 that the base for that mass emission limits was done
24 running all the plants, to my understanding, at full

1 capacity 24 hours a day all year, this annual limit
2 is like a gift given to Dynegy/Vistra, now Vistra,
3 because the levels are so high.

4 So for us in Peoria, I mean, this is a
5 huge problem ahead, and for people who are in other
6 locations -- maybe Coffeen because they have the
7 cleanest plant -- it's a huge problem ahead because
8 this will guarantee that they can close the costliest
9 plant. The slip-slide landslide has already been
10 begun.

11 I have an exhibit from Thursday, March
12 29, 2018, from the Randolph County General about the
13 Baldwin plant. That plant has already gone to their
14 County Board and gotten a reduction in property tax
15 rates. It's already costing their schools a million
16 dollars, and the county budget is now in deficit of
17 over \$350,000 because of already having to roll back
18 taxes on that plant, and a quote from their Randolph
19 County State's Attorney says Vistra has a reputation
20 for being cutthroat, for lack of better words, when
21 it comes to taxes, and the State's Attorney for
22 Randolph County said they are going to fight us every
23 step of the way, from what we can tell, from past
24 practices, as far as what the power plant is worth,

1 and we know this is just the beginning. We'll see
2 more hearings because they want more cuts or more
3 handouts for more pollution.

4 This really has to stop. It has to stop.

5 There was a comment further in this
6 article that, you know, what Dynegy alluded to, and I
7 can tell you what Vistra will, is that coal-fired
8 plants are dinosaurs. They would say these things
9 are money losers and are not worth anything. This
10 whole charade is to wring more pennies out of the
11 coal plants to prop up stockholders and these
12 corporations longer, when clearly Vistra doesn't need
13 to be propped up.

14 For us in Peoria, having the existing
15 rate at least requires that the clean plants run a
16 balance of the dirty plants reporting twice a year is
17 really important because what else is going to keep
18 these in check?

19 The Edwards plant in Peoria, we already
20 know they have been out of compliance on SO2 for a
21 long time, and that is a worry for us in Peoria.
22 It's not fair for pollution limits to be based on
23 such a human umbrella that the individuals are
24 ignored.

1 I thank you so much for your patience,
2 and I apologize for my intemperate, if it sounds that
3 way, appeal to you, but I keep hoping that you will
4 make a decision that is completely protective of the
5 public and the existing regulations, and maybe this
6 will be the time. Please deny the request.

7 HEARING OFFICER TIPSORD: Thank you.

8 And for the record, the documents that
9 I'm being handed today will be entered as public
10 comments in the record when I return to Chicago.

11 Julia Scott.

12 MS. SCOTT: Hello again. Julia Scott,
13 S-C-O-T-T.

14 I was on the fence about coming here for
15 two reasons. First of all, I despise it. Second of
16 all, I don't ever have any kind things to say. I'm
17 there with Joyce. It's very hard to say kind things
18 when your reality is a grim reality of people that
19 just don't care. If I believed that you guys were
20 going to do the right thing -- but you already said
21 you weren't -- then I would not have to be here. You
22 already said you were in support of -- you're shaking
23 your head no. Okay, well good. Then my point will
24 be moot. I am here so you guys can prove me wrong.

1 I wrote a book, Please Don't Murder Me.
2 Mr. Bloomberg, you were there at our last
3 conversation how you said monitoring the situation,
4 the air quality monitoring system that you run for
5 us, the people, and you said that not to get my hopes
6 up about it -- that conversation's in there -- your
7 past previous position with Schneider Electric, all
8 that good stuff.

9 I'm so done with this. I'm done. Who
10 are you? You guys are people. You're just humans.
11 You don't have the right to speak for us.

12 Can you open your windows? Did you just
13 take your grandmother to the hospital the other day?
14 Did your mother die of the great sickness? No.

15 I'm glad you think that's funny. Enjoy.
16 And it doesn't matter if you guys read it because
17 other people are.

18 HEARING OFFICER TIPSORD: Well, just for
19 the record, my mother died of heart disease, just
20 saying, and for the record, nobody finds any of that
21 funny, and for the record, the Pollution Control
22 Board and no member of the Pollution Control Board or
23 no member of the staff have taken a position on this
24 rulemaking at this time.

1 I have repeatedly said at every single
2 solitary hearing that any question by the Board is
3 not to be perceived as a stand by the Board, but
4 rather, as an attempt to make the record more clear.

5 I'm sorry I have to say this, but I also
6 feel that that was a personal attack and I took it
7 personally. As I said, my mother died of congestive
8 heart failure, so, arguably, my mother died from some
9 of the same things that all of you did.

10 Most of us up here have lost people to
11 the big sickness, so that really was insulting, and I
12 try not to take things personally, but that I did,
13 and I just want to be clear that we have not and do
14 not take the position until we author an opinion and
15 Order.

16 And with that, we'll move on. We do
17 still allow everyone to speak, but please be
18 courteous, and remember that we're all people, too.

19 Thank you.

20 Jill Bergen.

21 MS. BERGEN: Hello. I'm Jill Bergen and
22 I am here on behalf of the Sierra Club. I'm from
23 Mt. Zion, Illinois.

24 I just wanted to talk again about the

1 same topics that everyone else is here to talk about:
2 Dynegy and Vistra and the EPA making a decision that
3 will benefit them.

4 First off, the mission of the Illinois
5 EPA is stated as such; to safeguard environmental
6 quality, consistent with the social and economic
7 needs of the state, so as to protect the health,
8 welfare, property, and quality of life.

9 I'm here today to question just how the
10 Director of the EPA, Alec Messina, is acting in the
11 corner of EPA's stated mission. By giving into
12 Dynegy/Vistra's demands, Illinois EPA failed in this
13 very instance. It's estimated that this deal could
14 emit nearly double the amount of harmful sulfur
15 dioxide that was emitted last year. That's a far cry
16 from safeguarding environmental quality, protecting
17 the health and welfare and the quality of life.

18 In 2006, the EPA implemented the Clean
19 Air Standards to cut dangerous pollution and protect
20 public health, yet this deal will undo all of this.
21 What other than greed warrants this?

22 It is clear that the former lobbyist for
23 regulated industries is still working on behalf of
24 industries in its current role as the Director of

1 EPA, putting companies and profits before the people
2 and planet, all of which the EPA is supposed to be
3 protecting. As director of the EPA, it is no longer
4 his job to make sure that companies such as
5 Dynegy/Vistra increase their profits, especially at
6 the expense of the environment. This one act alone
7 displays incompetence for its position, which will
8 have grave health impacts on people of the state and
9 our planet.

10 As a resident of this state and a person
11 of this planet, I do not support its unwarranted,
12 self-serving actions, and request that Director
13 Messina and Governor Rauner stop all actions now and
14 in the future that will increase harmful air
15 pollutants.

16 I am again asking you to make the right
17 decision and deny Dynegy and its dirty deal.

18 Thank you.

19 HEARING OFFICER TIPSORD: Thank you.

20 I'm going to go back to the list. I
21 don't believe I've seen Representative Moeller come
22 in.

23 Penelope Pentzas? She was like the
24 second person to e-mail me that she wanted to speak,

1 so I'm going to be going back.

2 Mr. Fox, I believe I saw you come in.

3 MR. FOX: Good afternoon. My name's Rick
4 Fox. I'm a member of the Central Illinois Healthy
5 Community Alliance in the Peoria area. I'm here
6 today to ask the Board to deny Vistra's request to
7 completely rewrite the Multi-Pollutant Standard.

8 I'm unclear why, when we know coal is
9 increasingly unprofitable and out-competed by
10 renewables, the Illinois EPA is still working to prop
11 up this dirty industry. Ameren, then Dynegy, and now
12 Vistra, keep repeating the claim they can no longer
13 run coal plants profitably unless citizens give up
14 more of the clean air components. Why is Governor
15 Rauner's EPA even listening?

16 This is not a new story. First, Ameren
17 needed a pass on part of its pollution control
18 obligations. When Ameren decided to unload its
19 plants, along with 800 million dollars in debt, you
20 didn't see any cognitive dissidence in allowing
21 Dynegy is to plead poverty. You ultimately gave
22 Dynegy that pass. Now, they are back with a bolder
23 proposal. This one, an even clearer giveaway, at the
24 expense of public health.

1 The young men and women pictured in the
2 1970s collages were likely excited by the possibility
3 of cleaning up Illinois' dirty air with a newly
4 implemented Clean Air Act. They likely understood
5 how the Act would continually study air pollution and
6 its human health impacts and continually adjust the
7 regulations to reflect the latest scientific
8 understanding. They also probably believed as these
9 plants were modernized they would be retrofitted with
10 the best available pollution controls. Today, they
11 would be disappointed to learn that my local power
12 plant still lacks SO2 controls. They'd be saddened
13 that the Illinois EPA has given up any pretense of
14 fulfilling the Clean Air Act's promise of clean air
15 for all.

16 By moving to flat pollution control caps,
17 the proposed changes will make it possible to keep
18 older, cheaper-to-run, dirty plants running, while
19 shutting down newer, more-expensive-to-run plants
20 with modern pollution controls.

21 In my community, this Multi-Pollutant
22 Standard change will have an impact measured in
23 lives. Any rule which even holds the possibility of
24 creating pollution hotspots should be firmly

1 rejected. Please reject this one.

2 Thank you.

3 HEARING OFFICER TIPSORD: Thank you, sir.

4 Greg Pagliuzza?

5 MR. PAGLIUZZA: My name is Greg

6 Pagliuzza. I want to thank you for providing me the
7 opportunity to speak tonight.

8 I come here to request that you not
9 change the standards that would allow increased use
10 of coal and its harmful effects. I'm a financial
11 officer at a hospital in the state. In healthcare,
12 our objective is to do no harm to the patient. I
13 request that we think in terms of doing no harm to
14 the public. Its logic in changing formulas on how
15 much pollution they add to the air is an economic
16 argument that it does not at the cost of harming the
17 public.

18 The good Lord created the earth. He gave
19 us the power to use it. He also demands that we be
20 stewards of his creation. Allowing or not allowing
21 pollution is a moral decision. I ask you to consider
22 the veracity of allowing more pollution and harming
23 people for comforting the bottom line.

24 Thank you.

1 HEARING OFFICER TIPSORD: Thank you.

2 Could you spell your name for the record?

3 THE WITNESS: Spell it? Greg is the
4 first name; last name is P-A-G-L-I-U-Z-Z-A.

5 HEARING OFFICER TIPSORD: Thank you very
6 much.

7 Calvin Patterson? Chris Trudeau?

8 MR. TRUDEAU: Hello. My name is Chris
9 Trudeau, C-H-R-I-S, T-R-U-D-E-A-U. I live right here
10 in Springfield, Illinois, all my life. I lived
11 briefly in Canada, Vancouver, when I went to college,
12 and I really wish that we could take some cues from
13 the way they did it up there. It was very helpful
14 whenever I first moved back, I thought that America
15 is really kind of moving in the right direction, and
16 that was around 2010. Things were feeling good. It
17 seemed like we had kind of evolved and grown on a lot
18 of issues, particularly environment, and you know,
19 waging wars, other things like that.

20 So I'm kind of, along the lines of the
21 last speaker, to me, this is a moral issue, as well
22 as clearly a health issue.

23 A lot of people have talked about leaving
24 a better world for our children. This is my daughter

1 Lavender, Lavender Trudeau, and, you know, this is
2 really what it's all about is to really have a world
3 that we can pass on. My mom has asthma, you know, so
4 it's -- I don't want her to be going through the same
5 thing and having preventable health situations.

6 I got her to come here today by telling
7 her it was an earth party and we were going to go,
8 and so she's been diligently waiting for when the
9 cake's coming, because all parties have cakes, so
10 we're going to do that soon.

11 And so, yeah, please reject this
12 proposal. I think really it's the time to move ahead
13 into the future.

14 There's a great article in the Illinois
15 Times about solar and the credits that are there for
16 that. That's something that we're going to invest
17 in. And so, you know -- and I think, you know, it's
18 really time we stood up where we could and do what we
19 can, and you guys have the power to do the right
20 thing now.

21 Thank you.

22 HEARING OFFICER TIPSORD: I can say that
23 that's the young cutest public commenter I've ever
24 seen.

1 And the last name I have listed is Andrew
2 Rehn.

3 MR. REHN: Andrew Rehn with the Prairie
4 Rivers Network. It's A-N-D-R-E-W, R-E-H-N.

5 Prairie Rivers Network is a nonprofit and
6 advocates clean water with over a thousand members
7 across the state, and today I wanted to talk about --

8 Well, I think I'd like to first
9 acknowledge, I think we've brought up a lot of great
10 issues today. We've brought up the health issue, and
11 the very real impacts that it could have on people
12 has been acknowledged and also been touched on, and
13 the jobs and the real uncertainty of some jobs that
14 would come, even with the passing or if this gets
15 accepted.

16 But I want to make some comments about
17 the process. This process started with Dynegy, and
18 maybe the Pollution Control Board was a proponent, as
19 Illinois EPA, but Dynegy brought it to Illinois EPA
20 and it really is coming from them.

21 Dynegy has now been purchased by Vistra.
22 They're a new company, and it seems odd to move
23 forward with a process that started with a different
24 company when we're in a new world. There's no status

1 quo with Vistra, and we don't know how it's going to
2 shake out, and I think it seems odd to make a change
3 for the benefit of a company when we don't know if
4 they need that benefit, and especially when the costs
5 are going to be to human health of people in
6 Illinois. There's no clear benefit of jobs to people
7 in Illinois, so the only real winner in this
8 situation is Vistra stakeholders and the corporate
9 benefits. It seems like the right choice for
10 Illinois would be to not make this change.

11 So thank you for your time.

12 HEARING OFFICER TIPSORD: Thank you.

13 One more time, Calvin Patterson?

14 Okay. That is everyone that has signed
15 up that is here. I have a couple of the names of
16 people who have signed up that aren't here to speak
17 right now.

18 Is there anyone else here who did not
19 sign up but would like to speak?

20 Sir? Don't forget to state your name and
21 spell it.

22 MR. RIDER: Good afternoon. My name is
23 Alan Rider, A-L-A-N, R-I-D-E-R. I'm from Mt. Auburn,
24 Illinois.

1 I'm here to suggest that all the speakers
2 that we've listened to this afternoon represent
3 hundreds, if not thousands, of other Illinois
4 residents and citizens. Why do I say that? When I
5 go to the Niantic Fire Department to recycle, 90
6 percent of the time, it's full. I have to take my
7 recyclables and stuff them in there physically. What
8 I am suggesting is that people recycle because that
9 is their way to have a hands-on positive impact on
10 our world and our environment. They cannot
11 personally change or have any impact on a power
12 plant, but you do. Please do so.

13 Thank you.

14 HEARING OFFICER TIPSORD: Thank you.

15 MS. BUGEL: Hi. My name is Faith Bugel,
16 F-A-I-T-H, B-U-G-E-L. I am here representing the
17 Sierra Club, and I am not going to get into the
18 substance, because I know there's an opportunity for
19 post-hearing briefing, and I promise you, I will go
20 on at length at that time.

21 But I did want to extend a thank you to
22 the Board for scheduling this additional set of
23 hearings for the opportunity for public comment. I
24 know you all have busy schedules and traveled to be

1 here, for the most part, so I did want to say thank
2 you very much for that opportunity.

3 I will not presume to represent all the
4 public commenters in the room, except to say thank
5 you on their behalf, too.

6 I hope you can see from the level of
7 turnout tonight and the number of people who spoke,
8 how this was a really important opportunity for them,
9 and I know the Board does weigh public comment and
10 written comment equally, but I know from speaking to
11 some of the folks who have spoken at these hearings,
12 the opportunity to stand up in front of the Board and
13 look at your faces and make eye contact and feel hurt
14 is really important. So that's why I just want to
15 say thank you. We appreciate it.

16 HEARING OFFICER TIPSORD: Thank you.

17 All right. I'm going to run over the
18 list. I don't think I saw Representative Moeller.
19 Did she come in and I just missed her?

20 A PUBLIC COMMENTER: She did not, but
21 she's going to try to make it tomorrow.

22 HEARING OFFICER TIPSORD: Okay. Awesome.

23 And then the only other name I have -- I
24 have two other names. Penelope Pentzas. Okay. I've

1 just been told that she's not coming. And Calvin
2 Patterson. Okay.

3 Do we have a sense -- is there anyone
4 else that anyone's expecting at this time? It's only
5 6 o'clock, so I just want to --

6 MS. FOX: Calvin, I don't think, wants to
7 speak.

8 HEARING OFFICER TIPSORD: Okay.

9 It's a little after 6:00. What I'm going
10 to do is we're going to take 20 minutes, I'm going to
11 let the Board Members go to the office and hide out
12 for a little bit and then just take about a 20-minute
13 break and see if anyone else comes in that does want
14 to speak.

15 At that time, if we haven't seen anyone
16 and we don't know of anyone, we'll consider
17 adjourning and not have everybody hang around until 8
18 o'clock, but I will leave that to you as well.

19 Thank you. Let's take a few minutes.

20 (A brief recess was taken.)

21 Okay. Let's go back on the record. Has
22 anyone else come in tonight that would like to speak
23 on the record, offer oral public comment?

24 Okay. Do we have a sense? Is anybody

1 expecting anyone else? I did not get any other
2 names.

3 Okay. I would say at this point, because
4 I didn't receive any other names, nobody else here is
5 expecting anybody, that there's really not a need for
6 us to stay until 8 o'clock. Is there any sense that
7 we do need to? Is there anybody here who thinks we
8 should stay?

9 Okay. Well, in that case, I'm getting
10 negative responses. Everybody's okay with adjourning
11 a little early?

12 I do want to say how much we, the Board,
13 appreciate the time and effort that it's taken for
14 everyone to come here today and to offer these
15 comments. We will consider all of these comments.
16 We also will consider all written comments, and we
17 are still accepting written comments. Probably
18 tomorrow it will be decided on the record at the
19 hearing when the comment period will end. That will
20 be done by Hearing Officer Order, so watch the
21 website and keep an eye out for that, and the
22 deadline will be sometime in the next, probably, 30
23 days or something like that.

24 So I thank you all for taking the time,

1 for your courtesy, and for the information you've
2 given us. Thank you so very much and I appreciate
3 it, and we're adjourned.

4 (Hearing adjourned at 6:30 p.m.)
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1 STATE OF ILLINOIS)
2 COUNTY OF MACON) SS

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5 I, LISA HAHN PETERMAN, do hereby certify that I
6 am a Certified Shorthand Reporter and Notary Public in
7 the State of Illinois and that I reported in shorthand
8 the foregoing, taken on the 16th day of April, 2018, and
9 that the foregoing is a true and correct transcript of my
10 shorthand notes so taken.

11

12 I further certify that I am not of counsel or
13 attorney for either of the parties to said hearing, not
14 related to nor interested in any of the parties or their
15 attorneys.

16

17 Dated this 25th day of March, 2018.

18

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Lisa Hahn Peterman, CSR, RMR
Illinois CSR #084.2149

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