

ORIGINAL

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IN THE MATTER OF:)
)
ILLINOIS POLLUTION CONTROL)
)
BOARD MEETING)

214-10

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STATE OF ILLINOIS
Pollution Control Board

REPORT OF THE PROCEEDINGS held in
the above entitled cause before hearing Officer
Gerald M. Keenan, called by the Illinois Pollution
Control Board, taken by Ira Glover, Jr., CSR, for the
State of Illinois, 100 West Randolph Street, Chicago,
Illinois, on the 5th day of November, 2015, commencing
at the hour of 11:00 a.m.

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A P P E A R A N C E S

MR. GERALD M. KEENAN, Chairman

MR. JEROME O'LEARY, Board Member

MS. JENNIFER BURKE, Board Member

MS. CARRIE ZALEWSKI, Board Member

MR. JOHN THERRIAULT, Clerk

MS. DEANNA GLOSSER, Board Member

1 CHAIRMAN KEENAN: We call to order the
2 November 5, 2015 meeting of the Illinois Pollution
3 Control Board. Good morning to everybody here and
4 everybody in Springfield. Thanks for being here when
5 you would rather be outside for the last 70 degree
6 day, well, probably for a week or two. That is
7 all I know. Somebody asked me this morning, so
8 what is so bad about this global warming stuff?
9 It's -- it's -- well, it's a little more complex. So
10 anyway, Mr. Clerk, can you please call the roll?

11 MR. THERRIAULT: Member Burke?

12 MEMBER BURKE: Here.

13 MR. THERRIAULT: Member Glosser?

14 MEMBER GLOSSER: Here.

15 MR. THERRIAULT: Member O'Leary?

16 MEMBER O'LEARY: Here.

17 MR. THERRIAULT: Member Zalewski?

18 MEMBER ZALEWSKI: Here.

19 MR. THERRIAULT: Chairman Keenan?

20 CHAIRMAN KEENAN: Here.

21 So five members present. Quorum is
22 four. We have a quorum, and let's -- let's begin.

23 At every board meeting the board sets
24 aside time for members of the public to provide input

1 on any case before the board today or any other matter
2 of concern, and we welcome any and all comments. And
3 in the interest of fairness, we ask that each speaker
4 limit comments to about three minutes.

5 As you know, all the comments are
6 digitally recorded, but also taken down by -- by the
7 court reporter. So if you wouldn't mind, if you could
8 speak in the direction of the court reporter and start
9 off by stating your -- your name, your organizational
10 affiliation, and then speak -- speak -- then speak
11 distinctly, which I can't do, so that everybody can
12 hear your -- your comments and that we get everything
13 down verbatim as -- as you would like it.

14 So if there is anybody who would like
15 to make a public comment, this is your opportunity.

16 Please --

17 MS. SKRUKRUD: Can I just --

18 CHAIRMAN KEENAN: Yeah, you --

19 MS. SKRUKRUD: -- stand here maybe?

20 CHAIRMAN KEENAN: Yeah, right. Just -- the
21 most important person in the room is -- yeah, so --

22 MS. SKRUKRUD: All right. So good morning.

23 My name is Cindy Skrukrud and I'm the Clean Water
24 Program Director for the Illinois Chapter of the

1 Sierra Club, and on -- and I -- I want to speak to
2 rule making R1410.

3 On September 15th the Sierra Club Clean
4 Rivers Network and the Environmental Law Policy Center
5 filed an amended proposal and a motion to reopen rule
6 making R1410 which deals with coal combustion waste,
7 ash ponds and surface impoundments at power generating
8 facilities.

9 So I'm here today with Katrina Phillips
10 (phonetic) who is the Sierra Club's clean water and
11 conservation advocate, and Jack Darren (phonetic) who
12 is Director of the Illinois Sierra Club. And on
13 behalf of the Sierra Club Clean Rivers Network and
14 ALPC and the citizens of Illinois that we represent,
15 and the nearly thousand individuals who submitted
16 comments recently on this rule making, I'm here to
17 respectfully (sic) request that the Board deny
18 Illinois EPA's motion for an indefinite stay and grant
19 the environmental group's motion to reopen the docket.

20 Illinois EPA opened this proceeding in
21 2013 to, quote, "fill a regulatory gap in the Board's
22 rules governing coal combustion waste surface
23 impoundments," unquote. Noting that the Board's
24 regulations, quote, "do not provide a method for

1 closure or corrective action at these facilities,"
2 unquote.

3 Although new federal rules have been
4 adopted, there are several important reasons to adopt
5 state rules in the matter as soon as possible.

6 First, the federal coal ash rule does
7 not address compliance with Illinois' ground water
8 resurface water quality standards.

9 Second, the federal rule does not apply
10 to impoundments associated with generating stations
11 that are no longer operating. And we have facilities
12 like Maridocia (phonetic) and Vermilion that are no
13 longer operating. We just heard recently that the IGE
14 plans to close their Wood River facility.

15 Third, the state rule is an important
16 opportunity to -- opportunity to include financial
17 assurances as recommended by the Illinois Attorney
18 General's Office to ensure that the state isn't left
19 to cover clean up and closure costs.

20 Fourth, the state rule establishes a
21 process for agency oversight and public participation
22 that is absent from the self-implementing federal
23 rules.

24 So definitely a regulatory gap remains

1 and the environmental group's September 15th proposal
2 was an attempt to harmonize the good work we all have
3 done on the draft state rules with the new federal
4 rule.

5 So reopening the procedures and
6 directing this docket to proceed is consistent with
7 the goal of restoring, protecting and enhancing the
8 quality of our environment and is the path that the
9 Board should take. So we look forward to the Board's
10 discussion today on that rule making. Thank you.

11 CHAIRMAN KEENAN: Thank you.

12 Is there anyone else who would like to
13 make a statement? Anyone in Springfield?

14 MEMBER IN SPRINGFIELD: Nobody here.

15 CHAIRMAN KEENAN: Okay.

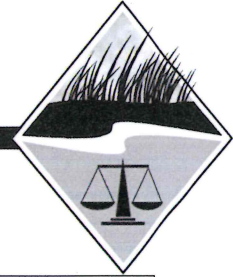
16 Hearing none, we will then thank
17 everyone, and -- and thank you particularly for your
18 statement and for -- everybody for coming, and we will
19 close the public remarks portion of today's -- today's
20 meeting.

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<p style="text-align: center;">A</p> <p>a.m 1:13 absent 6:22 action 6:1 address 6:7 adopt 6:4 adopted 6:4 advocate 5:11 affiliation 4:10 agency 6:21 ALPC 5:14 amended 5:5 anybody 4:14 anyway 3:10 apply 6:9 ash 5:7 6:6 aside 3:24 asked 3:7 associated 6:10 assurances 6:17 attempt 7:2 Attorney 6:17</p> <hr/> <p style="text-align: center;">B</p> <p>bad 3:8 behalf 5:13 board 1:3,10 2:4,5 2:6,8 3:3,23,23 4:1 5:17 7:9 Board's 5:21,23 7:9 Burke 2:5 3:11,12</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:1 call 3:1,10 called 1:9 CARRIE 2:6 case 4:1 cause 1:8 Center 5:4 Chairman 2:3 3:1 3:19,20 4:18,20 7:11,15 Chapter 4:24 Chicago 1:11</p>	<p>Cindy 4:23 citizens 5:14 clean 4:23 5:3,10 5:13 6:19 Clerk 2:7 3:10 close 6:14 7:19 closure 6:1,19 Club 5:1,3,12,13 Club's 5:10 coal 5:6,22 6:6 combustion 5:6,22 coming 7:18 commencing 1:12 comment 4:15 comments 4:2,4,5 4:12 5:16 complex 3:9 compliance 6:7 concern 4:2 conservation 5:11 consistent 7:6 Control 1:2,10 3:3 corrective 6:1 costs 6:19 court 4:7,8 cover 6:19 CSR 1:10</p> <hr/> <p style="text-align: center;">D</p> <p>Darren 5:11 day 1:12 3:6 deals 5:6 DEANNA 2:8 definitely 6:24 degree 3:5 deny 5:17 digitally 4:6 directing 7:6 direction 4:8 Director 4:24 5:12 discussion 7:10 distinctly 4:11 docket 5:19 7:6 draft 7:3</p>	<p style="text-align: center;">E</p> <p>E 2:1,1 enhancing 7:7 ensure 6:18 entitled 1:8 environment 7:8 environmental 5:4 5:19 7:1 EPA 5:20 EPA's 5:18 establishes 6:20 everybody 3:3,4 4:11 7:18</p> <hr/> <p style="text-align: center;">F</p> <p>facilities 5:8 6:1,11 facility 6:14 fairness 4:3 federal 6:3,6,9,22 7:3 filed 5:5 fill 5:21 financial 6:16 First 6:6 five 3:21 forward 7:9 four 3:22 Fourth 6:20</p> <hr/> <p style="text-align: center;">G</p> <p>gap 5:21 6:24 General's 6:18 generating 5:7 6:10 Gerald 1:9 2:3 global 3:8 Glosser 2:8 3:13,14 Glover 1:10 goal 7:7 good 3:3 4:22 7:2 governing 5:22 grant 5:18 ground 6:7 group's 5:19 7:1</p> <hr/> <p style="text-align: center;">H</p>	<p>harmonize 7:2 hear 4:12 heard 6:13 hearing 1:8 7:16 held 1:7 hour 1:13</p> <hr/> <p style="text-align: center;">I</p> <p>IGE 6:13 Illinois 1:2,9,11,12 3:2 4:24 5:12,14 5:18,20 6:17 Illinois' 6:7 important 4:21 6:4 6:15 impoundments 5:7 5:23 6:10 include 6:16 indefinite 5:18 individuals 5:15 input 3:24 interest 4:3 Ira 1:10</p> <hr/> <p style="text-align: center;">J</p> <p>Jack 5:11 JENNIFER 2:5 JEROME 2:4 JOHN 2:7 Jr 1:10</p> <hr/> <p style="text-align: center;">K</p> <p>Katrina 5:9 Keenan 1:9 2:3 3:1 3:19,20 4:18,20 7:11,15 know 3:7 4:5</p> <hr/> <p style="text-align: center;">L</p> <p>Law 5:4 left 6:18 let's 3:22,22 limit 4:4 little 3:9 longer 6:11,13 look 7:9</p>	<p style="text-align: center;">M</p> <p>M 1:9 2:3 making 5:2,6,16 7:10 Maridocia 6:12 matter 1:1 4:1 6:5 meeting 1:3 3:2,23 7:20 Member 2:4,5,6,8 3:11,12,13,14,15 3:16,17,18 7:14 members 3:21,24 method 5:24 mind 4:7 minutes 4:4 morning 3:3,7 4:22 motion 5:5,18,19</p> <hr/> <p style="text-align: center;">N</p> <p>N 2:1 name 4:9,23 nearly 5:15 Network 5:4,13 new 6:3 7:3 Noting 5:23 November 1:12 3:2</p> <hr/> <p style="text-align: center;">O</p> <p>O'Leary 2:4 3:15 3:16 Office 6:18 Officer 1:8 Okay 7:15 opened 5:20 operating 6:11,13 opportunity 4:15 6:16,16 order 3:1 organizational 4:9 outside 3:5 oversight 6:21</p> <hr/> <p style="text-align: center;">P</p> <p>P 2:1,1 participation 6:21</p>
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ILLINOIS POLLUTION CONTROL BOARD



PUBLIC REMARKS SIGN-UP SHEET

Name & any Title & Organization; Docket Number on Agenda	
1.	Cindy Skunkard Clean Water Program Director 12 State Club R14-10
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