

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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4 IN THE MATTER OF:

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6 PETITION OF SHELL WOOD RIVER REFINING

7 COMPANY FOR AN ADJUSTED STANDARD FROM No. AS 98-6

8 35 ILL. ADM. CODE 725.213 and 725.321

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13 Proceedings held on November 19, 1998 at 10:05

14 a.m., at the Madison County Administration Building,

15 157 North Main Street, Board Room 203, Edwardsville,

16 Illinois, before the Honorable Charles A. King,

17 Hearing Officer.

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21 Reported by: Darlene M. Niemeyer, CSR, RPR
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Company.

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1 P R O C E E D I N G S

2 (November 19, 1998; 10:05 a.m.)

3 HEARING OFFICER KING: Good morning, everyone.

4 This is the hearing on the petition of Shell Wood
5 River Refining Company for an Adjusted Standard from
6 35 Illinois Administrative Code, Section 725.213 and
7 725.321. This is proceeding AS 98-6 for the Pollution
8 Control Board.

9 I am Charles King, the Hearing Officer. Also here
10 this morning from the Pollution Control Board is Anand
11 Rao from the Board's technical unit.

12 The purpose of this hearing is to create a record
13 for the Board to consider when they are evaluating
14 this petition. There is not going to be any decision
15 made this morning. All we are here to do today is to
16 get the evidence on the record.

17 First we will hear from Shell, and they will put
18 on their case explaining what they want to do and why
19 they think they are entitled to it. Then we will hear
20 from the Illinois Environmental Protection Agency.
21 After we have heard from the Agency, if anyone else
22 wants to put any comments on the record, they will
23 have that opportunity.

24 Does anyone have any questions about the procedure
25 we are going to follow this morning?

1 MRS. WILLIAMS: They didn't get a packet like we
2 did. Is there anymore that was given to us? We need
3 about three more.

4 HEARING OFFICER KING: Any other questions? Does
5 everyone have a packet now that needs them?

6 MRS. WILLIAMS: We need just one more.

7 HEARING OFFICER KING: Okay. Do you have
8 anymore?

9 Okay. Then we will now go ahead and begin with
10 Shell's case.

11 MR. HARRINGTON: Good morning. My name is James
12 Harrington. I am an attorney for Shell Wood River
13 Refining Company, as it is named in the petition. And
14 really the first order of business is to ask if we
15 could amend on the record the name of the petitioner
16 to Wood River Refining Company, a Division of Equilon,
17 L.L.C, due to a corporate reorganization, which will
18 be explained by Mr. Brewster in his testimony. There
19 has been a change in the name of the entity operating
20 the facility.

21 HEARING OFFICER KING: We will put that in the
22 record, and then we will deal with it in whatever
23 order is entered after this hearing.

24 MR. HARRINGTON: Thank you. At the Hearing
25 Officer's suggestion, I will make a brief statement as

1 to the nature of the relief we are seeking, and then
2 we will proceed with our testimony. If the audience
3 has trouble hearing me or any of the witnesses, please
4 call my attention or the Hearing Officer's attention
5 to it, and we will try to take steps to make sure that
6 everyone can hear us.

7 Essentially this is a petition for what is called
8 an Adjusted Standard under Illinois law. That means
9 that a generally applicable standard, in this case a
10 standard on closing a certain water treatment
11 facility, will be modified pursuant to the law to
12 allow that facility to continue operating. The
13 facility that we are dealing with in this case is part
14 of Shell's wastewater treatment operation.

15 At one time this facility, as Mr. Brewster and the
16 other witnesses will explain, this facility treated
17 the wastewater from the refinery and removed benzene
18 through biological treatment, biologically breaking
19 down the waste. Because of a change in the hazardous
20 waste law, this type of treatment could no longer be
21 done in this pond, and was moved to a new system of
22 tank treatment where it is treated biologically and
23 benzene is removed to meet all the federal standards.
24 The wastewater from the new treatment facility then is
25 discharged to the pond where there is additional

1 treatment to remove ammonia and other biological
2 degradable materials with no hazardous waste.
3 The reason for the petition is that the law would
4 require what is officially called closure, and that's
5 a technical term in the law to -- for the pond, once
6 it stopped receiving the benzene waste. However, the
7 law also provides that the operator can ask the
8 Pollution Control Board to allow them to continue to
9 use the pond, provided that the hazardous waste has
10 been removed, and there is no danger to the
11 environment.

12 That is what this petition is about, the right to
13 continue to use this pond to treat nonhazardous
14 waste. That is really the only issue that is before
15 the Board at this time, and the only relief that Shell
16 is seeking, is the right to continue to use this pond
17 as a wastewater treatment system. The Agency, of
18 course, is the respondent. They have a chance to
19 respond to anything that the refinery advances at this
20 hearing, and they have had a chance to file a written
21 response to Shell's petition.

22 They have made certain suggestions as to the
23 relief that the refinery has sought, and those
24 suggestions, in large part, have been agreed to by
25 Shell, although there is one -- I think there is

1 basically one minor difference left in the wording
2 that the Board will have to resolve. Of course, the
3 Board will consider all of the evidence in front of
4 them, and whether it meets the requirements of the law
5 in deciding whether relief is appropriate.

6 With that, I would like to -- we have three
7 witnesses present, and I would ask if we can swear in
8 all three witnesses at this time.

9 HEARING OFFICER KING: Ms. Niemeyer, could you
10 please swear the witnesses.

11 (Whereupon Mr. Brewster, Mr. Stephenson, and Mr.
12 Petersen were sworn by the Notary Public.)

13 MR. HARRINGTON: I propose that I present the
14 direct testimony of all three witnesses to start, and
15 that then they can be questioned after all three have
16 testified, if that is acceptable to the Hearing
17 Officer.

18 HEARING OFFICER KING: Does anyone have any
19 problems with that? Okay. That will be fine.

20 MR. HARRINGTON: Okay. The first witness is Mr.
21 Brewster.

22 Mr. Brewster, will you state your full name for
23 the record, please.

24 MR. BREWSTER: Joseph Nathan Brewster.

25 MR. HARRINGTON: I will show you what has been --

1 what is labeled, Testimony Before the Illinois

2 Pollution Control Board, J.N. Brewster, Manager.

3 Is this your prepared testimony in this
4 proceeding?

5 MR. BREWSTER: Yes, it is.

6 MR. HARRINGTON: I will ask you now to read it for
7 the record.

8 MR. BREWSTER: My name is Joe Brewster. I am the
9 Manager of Environmental Conservation at the Wood
10 River Refining Company and manage a staff of ten
11 persons who are responsible for environmental
12 regulatory compliance at the facility. My experience
13 spans nearly 30 years, both at Wood River and in
14 Shell's corporate offices in Houston. Almost all of
15 this experience has been in the environmental area,
16 including operations, process design, project
17 engineering, regulatory development, environmental
18 auditing, and in technical management.

19 My professional qualifications include a
20 Bachelor's degree in Civil Engineering and a Master's
21 degree in Sanitary Engineering. Additionally, I am a
22 registered professional engineer in the State of
23 Illinois, and I hold membership in the American
24 Academy of Environmental Engineers.

25 My purpose this morning is to explain the reason

1 that Wood River Refining Company has requested this
2 adjusted standard for its continued use of Pond #2 at
3 the wastewater treatment plant, and to cover the
4 recent change in ownership of this facility to Equilon
5 Enterprises, L.L.C.

6 The reason for the change in Pond #2 Operation.

7 The influent to Pond #2 historically received
8 wastewater which at times exceeded the Toxicity
9 Characteristic Leaching Procedure regulatory level for
10 benzene, 0.5 milligrams per liter, and as such, Pond
11 #2 was identified as an interim status hazardous waste
12 surface impoundment effective September 1990.

13 Pond #2 continued in interim status, meeting the
14 definition of an aggressive biological treatment unit,
15 until the end of March of 1995, when a tank-based
16 biological system was placed into operation. From
17 March 1994 until March 1995, Pond #2 was operated
18 based on Shell's application for a RCRA Minimum
19 Technology Requirements waiver, and the granting of a
20 draft exemption from MTR by United States
21 Environmental Protection Agency Region V. During this
22 period, Shell met all of the conditions of the draft
23 Minimum Technology Requirements waiver.

24 A delay of closure for Pond #2 was initially
25 submitted for Illinois Environmental Protection Agency

1 review on September 28, 1994. The review was complete
2 on June 19, 1995, with a request for Shell to address
3 certain concerns regarding sludges remaining in the
4 pond prior to filing a final petition. Shell Wood
5 River Refining Company, Wood River Refining Company
6 had been working with IEPA on the final review and
7 format of the petition until its filing with the Board
8 on March 16th, 1998.

9 With the promulgation of the final Phase III Land
10 Disposal Restrictions rule, issued by U.S. EPA on
11 April 8, 1996, the receipt and treatment of
12 characteristically hazardous wastewater in Pond #2 was
13 prohibited. However, Pond #2 may still operate and
14 receive nonhazardous wastewater provided that various
15 conditions are met. In Illinois, the Pollution
16 Control Board has retained the authority to make this
17 decision. That is will to allow decharacterized
18 wastewater to be received, using the adjusted standard
19 as a procedural mechanism, 35 Illinois Administrative
20 Code 725.213(e).

21 In order for Wood River Refining Company to
22 continue use of Pond #2 for treatment of nonhazardous
23 wastewaters prior to discharge under its NPDES permit,
24 a delay of closure must be granted by the adjusted
25 standard process.

1 Without this adjusted standard, Wood River
2 Refining Company would be required to initiate RCRA
3 interim status closure on Pond #2 and replace it with
4 a tank-based system at a cost currently estimated at
5 \$32 million dollars, which is wholly disproportionate
6 to any environmental benefit which can be achieved by
7 closure of the unit.

8 Compliance with federal law. The proposed relief
9 complies with federal laws and regulations found at 40
10 CFR 265.113. It is our understanding that the United
11 States Environmental Protection Agency has been
12 consulted on this issue and has indicated that this
13 facility qualifies for the relief being sought.

14 Company name change. Effective July 1st, 1998,
15 Shell Oil Company, or Shell, and Texaco, Inc., have
16 combined the major elements of their Western and
17 Midwestern U.S. refining and marketing assets, as well
18 as their total U.S. transportation and lubricants
19 businesses into a new company called Equilon
20 Enterprises, L.L.C., or Equilon, a Delaware Limited
21 Liability Company. The Shell Wood River Refining
22 Company, a legal entity separate from Shell but still
23 a subsidiary of Shell, was transferred to Equilon on
24 the aforementioned date of July 1, 1998. All
25 references to the Shell Wood River Refining Company or

1 Shell in the adjusted standard petition AS 98-6 should
2 be changed to reflect the new ownership and new name
3 of the subject facility. The facility name is now the
4 Wood River Refining Company, a Division of Equilon
5 Enterprises, L.L.C..

6 Comments on IEPA's May 29, 1998 response. The
7 Wood River Refining Company received a copy of IEPA's
8 response, filed on May 29th, 1998, to our petition for
9 an adjusted standard. After review, the Wood River
10 Refining Company accepts their proposed modifications
11 to the adjusted standard language which we proposed;
12 however, Wood River Refining Company prefers to drop
13 the last sentence of the language that IEPA proposed
14 to add to the adjusted standard. The sentence
15 proposed by IEPA that is at issue is: quote, in no
16 event shall Shell allow the introduction of hazardous
17 wastewaters into any portion of or appurtenance to
18 Pond #2 which is unlined, close quote.

19 The Wood River Refining Company does not have TCLP
20 data on the wastewater until several days after the
21 fact; therefore, the proposed language sets an
22 impossible standard to guarantee given current plant
23 conditions. The Wood River Refining Company believes
24 it would be forced into lining the inlet ditch to Pond
25 #2 in order to comply with an adjusted standard

1 containing this sentence. The Wood River Refining
2 Company believes that IEPA's concerns can be addressed
3 adequately with the first sentence proposed for
4 addition to the adjusted standard, which is: In the
5 event that the Staged Biological Treatment tank system
6 becomes inoperable or malfunctions, Shell shall take
7 all appropriate measures to prevent the introduction
8 of hazardous wastewaters into Pond #2.

9 Proposed adjusted standard language. Based on the
10 above comments, the Wood River Refining company is
11 proposing the following adjusted standard:

12 The Wood River Refining Company located near
13 Roxana, Illinois, in Madison County is hereby granted
14 an adjusted standard to the requirements of 35
15 Illinois Administrative Code 725.213 for its Treatment
16 Pond #2 that will allow Pond #2 to operate as a
17 second-stage biological treatment unit, including
18 nitrification, without closure, subject to the
19 requirement that it file an adjusted standard with the
20 Illinois Pollution Control Board, implement the
21 contingent corrective measures plan in less than one
22 year or cease accepting waste until the contingent
23 corrective measures plan is implemented as indicated
24 by the Board, and file reports with the Agency within
25 35 days after a confirmed detection by the groundwater

1 monitoring system of any release of hazardous
2 constituent from the ponds. Wood River Refining
3 Company shall also file semiannual reports with the
4 Agency following a confirmed detection. If Wood River
5 Refining Company fails to file said adjusted standard
6 petition with the Board, and/or fails to implement the
7 contingent corrective measures plan, this adjusted
8 standard will terminate and closure of Pond #2 shall
9 begin pursuant to the terms of the Closure Plan. In
10 the event that the Staged Biological Treatment Tank
11 system becomes inoperable or malfunctions, Wood River
12 Refining Company shall take all appropriate measures
13 to prevent the introduction of hazardous wastewaters
14 into Pond #2. Finally, Wood River Refining Company
15 shall test the influent to Pond #2 for benzene using
16 the TCLP on a monthly basis, close quote.

17 The correctness of Petition. We have reviewed the
18 Petition for Adjusted Standard in this case, which is
19 Exhibit Number 1, and find that except for the
20 ownership change and change in proposed adjusted
21 standard language, it was correct when filed and
22 remains correct today.

23 Thank you for your attention. I will be happy to
24 answer any questions that you might have regarding my
25 testimony. Mr. Kevin Stephenson will follow with a

1 description of the operation of the wastewater
2 treatment plant before and after the installation of
3 our tank-based biological treatment system; and then
4 Mr. Eric Petersen will conclude with the steps the
5 Wood River Refining Company has taken to comply with
6 the adjusted standard requirements and to answer
7 concerns raised by the Illinois Environmental
8 Protection Agency regarding the adjusted standard.

9 Thank you.

10 MR. HARRINGTON: Please state your full name for
11 the record.

12 MR. STEPHENSON: Kevin Michael Stephenson.

13 MR. HARRINGTON: I will show you what is labeled,
14 Testimony Before the Illinois Pollution Control Board,
15 K. M. Stephenson, Operations Support Engineer, Wood
16 River Refining Company.

17 Is this your testimony in this proceeding?

18 MR. STEPHENSON: Yes, it is.

19 MR. HARRINGTON: Is it true and correct?

20 MR. STEPHENSON: Yes.

21 MR. HARRINGTON: Would you please read your
22 testimony for the record.

23 MR. STEPHENSON: My name is Kevin Stephenson. I
24 have a B.S. in Chemical Engineering from the
25 University of Illinois. I have been employed at the

1 Wood River Refining Company since 1988 and have held
2 various assignments in project engineering and as a
3 process engineer at several processing units. Since
4 August of 1996, I have been assigned as the operations
5 support engineer for the Environmental Operations and
6 Utilities areas.

7 My purpose this morning is to explain the
8 operation of the wastewater treatment plant before and
9 after the installation of the tank-based staged
10 biological treatment system and to discuss the benzene
11 exceedance from the Staged Biological Treatment
12 System, or SBTS, on June 6, 1998.

13 Former wastewater treatment operation. Between
14 the second quarter of 1994 and March 1995, the
15 Wastewater Treatment Plant was configured and operated
16 as described below:

17 Process wastewaters and first-flush stormwater
18 entered the lift station where pumps raised the
19 wastewater to neutralization and primary oil/water
20 separation units including corrugated plate
21 interceptor units and dissolved nitrogen flotation
22 units. Following the primary section, the wastewater
23 flowed to a large equalization tank where any spikes
24 in hydraulic and/or organic material loading were
25 dampened in order to minimize any upsets to downstream

1 processes. In this original design, the wastewater
2 leaving the equalization tank was then sent to the
3 aggressive biological treatment unit, Pond #2.
4 Pond #2 construction and function. Pond #2 was
5 constructed by below-grade excavation in a clay bed
6 and placed into service in 1972. It was constructed
7 to be approximately 12 feet deep, and was originally
8 lined with a three inch layer of asphalt, but did not
9 meet the double liner and leachate collection
10 standards currently applicable to hazardous waste
11 units as specified in 35 IAC 725.321(a).

12 Pond #2 is an aerated surface impoundment
13 occupying approximately one and a half acres with a
14 holding capacity in excess of 4 million gallons. As
15 originally operated, activated sludge in Pond #2
16 treated organic contaminants in the wastewater.
17 Nitrification of the effluent also occurred such that
18 the treated water met NPDES discharge limits. As
19 originally configured and currently operated, from
20 Pond #2 the treated water went and still goes to the
21 clarifiers for solids removal and then is routed to
22 the final polishing lagoons prior to discharge to the
23 Mississippi River.

24 Current wastewater treatment operation. Since the
25 installation and startup of the tank-based Staged

1 Biological Treatment System in March of 1995, the
2 Wastewater Treatment Plant is configured and operated
3 as described below:

4 Compounds treated and method of treatment.
5 Process wastewaters and first-flush stormwater enter
6 the lift station where pumps raise the wastewater to
7 neutralization and primary oil/water separation units
8 including CPI, corrugated plate interceptor, units and
9 any dissolved nitrogen flotation units. Following the
10 primary section, the wastewater flows to a large
11 equalization tank where any spikes in hydraulic and/or
12 organic material loading are dampened in order to
13 minimize any upsets to downstream processes. The
14 wastewater leaving the equalization tank is then sent
15 to the first-stage biological treatment unit upstream
16 of Pond #2 for treatment and removal of the hazardous
17 characteristic.

18 The first-stage unit is a system of two tanks in a
19 series. The first is a basin in which return
20 activated sludge from the clarifiers mixes with the
21 raw effluent from the equalization tank; and the
22 second is the aeration tank in which the mixture from
23 the first tank is subjected to jet aeration, such that
24 the biodegradation of benzene and other components in
25 the wastewater occurs. The treated and

1 decharacterized water exits the second tank and is
2 conveyed via the inlet ditch to Pond #2 for secondary
3 aggressive biotreatment.
4 Pond #2 function. In the current mode of
5 operation, Pond #2 is used for secondary aggressive
6 biological treatment of parameters in the wastewater
7 that have a longer biodegradation time period and also
8 for nitrification of the wastewater in order for the
9 effluent from Pond #2 to meet NPDES discharge limits.
10 From Pond #2, the treated water goes to the clarifiers
11 for solids removal and then on to the final polishing
12 lagoons prior to discharge to the Mississippi River.
13 Explanation of June sampling anomaly. Enclosed as
14 Table 1 to my testimony are the SBTS inlet and outlet
15 data from March of 1997 to present, through October of
16 1998. The SBTS outlet is analyzed by the TCLP in
17 accordance with the Wood River Refining Company's
18 waste analysis plan. Of the 60 samples, other than an
19 apparent mislabeling of the inlet and outlet samples
20 from June 7, 1997, there is only one result indicating
21 that the SBTS outlet wastewater or inlet to Pond #2
22 via the inlet ditch, met or exceeded the regulatory
23 level of 0.5 milligrams per liter of benzene.
24 This sample result from June 6, 1998 is believed
25 to be real and related to a spike in oil and grease

1 loading in the wastewater being processed on this
2 date. Higher levels of oil and grease in the
3 wastewater entering the SBTS without concurrent
4 increases in oxygen supply impact the ability of
5 biomass to degrade organic constituents such as
6 benzene. One way to measure oil and grease loading in
7 the field is by turbidity units. On the evening of
8 June 5th, at approximately 10:00 p.m., a spike in
9 turbidity on the DNF units occurred indicating a
10 substantially higher than normal O&G loading passing
11 through the system. We believe the source to be
12 either the wastewater from the distilling unit
13 desalters or from draining high total organic carbon
14 waters from the holding tanks located at the
15 wastewater treatment plant. This spike would have
16 reached the SBTS during the daylight hours on June
17 6th.

18 Several steps have been implemented to prevent a
19 recurrence of inadequate treatment levels in the
20 SBTS. First, the turbidity of the water coming into
21 the wastewater treatment plant via the enclosed
22 wastewater header is being monitored each shift. This
23 was not monitored prior to September of 1998.
24 Guidelines have been put into place with the treatment
25 plant operators to limit turbidity impacts of draining

1 water from the holding tanks at the wastewater
2 treatment plant. Lastly, a test run is underway to
3 see if a new polymer additive will improve DNF oil and
4 grease removal efficiencies. Any unusual increase in
5 turbidity will trigger upstream source control
6 investigation to find and stop the source. If a spike
7 does occur, steps can be taken to reduce the forward
8 flow rate into the biotreater in order to increase
9 residence time for biotreatment as well as placing an
10 additional blower on-line to increase air flow into
11 the SBTS.

12 Thank you for your attention. Eric Petersen will
13 now discuss steps that Wood River Refining Company has
14 taken to comply with the adjusted standard
15 requirements and to address IEPA's comments and
16 concerns regarding the regulatory status of inlet
17 ditch to Pond #2. I will be happy to answer any
18 questions that you might have regarding my testimony.
19 Thank you.

20 MR. HARRINGTON: Mr. Petersen, will you please
21 state your full name for the record.

22 MR. PETERSEN: Eric Scott Petersen.

23 MR. HARRINGTON: I will show you what is labeled,
24 Testimony Before the Illinois Pollution Control Board,
25 November 19, 1998, E. S. Petersen, Senior Engineer.

1 Is that your testimony in this proceeding?

2 MR. PETERSEN: Yes, it is.

3 MR. HARRINGTON: Is it true and correct?

4 MR. PETERSEN: Yes, it is.

5 MR. HARRINGTON: Would you please read your
6 testimony into the record? Thank you.

7 MR. PETERSEN: My name is Eric Petersen. I have a
8 B.E. in Chemical Engineering from Vanderbilt
9 University and a Juris Doctor from St. Louis
10 University, and am a member of both the Illinois and
11 Missouri Bar. I have been employed at Shell's Norco,
12 Louisiana refinery and also the Wood River Refining
13 Company since 1984 and have held various assignments
14 as a computer support engineer, project engineer, and
15 process engineer at several processing units. Since
16 January of 1990 I have been assigned to the
17 Environmental Conservation Department at Wood River
18 specializing in RCRA and benzene waste operations
19 NESHAP regulatory compliance.

20 My purpose this morning is to explain the steps
21 that Wood River Refining Company has taken to comply
22 with the adjusted standard requirements, to respond to
23 Illinois EPA's comments and concerns regarding the
24 operation and regulatory status of the inlet ditch at
25 the wastewater treatment plant, and to explain the

1 steps that Wood River Refining Company will take to
2 prevent releases of hazardous waste to the environment
3 under this adjusted standard.

4 Steps taken to comply with requirements of 35
5 Illinois Administrative Code 725.213(e). Pond #2 does
6 not have a double liner or leachate collection
7 system. In order for Pond #2 to receive nonhazardous
8 wastes as authorized under an adjusted standard, Wood
9 River Refining Company has complied with the following
10 requirements:

11 A, sludge removal. There are no hazardous waste
12 sludges, solids or liquids in Pond #2 to be removed.
13 The pond, an aggressive biological treatment unit,
14 acts as a continuous-mix reactor and degrades the
15 organic contaminants as they enter the units. The 14
16 aerators in the pond provide adequate horsepower to
17 keep the biosolids in suspension and to keep the pond
18 mixed. Information supporting this statement was
19 provided to the Illinois EPA by letter on May 28,
20 1997, which is attached hereto as Attachment A.

21 B, sampling. What little sludge that may settle
22 to the bottom of the pond has been sampled and tests
23 out as nonhazardous. During 1993, sludge samples were
24 obtained from the bottom of Pond #2 for the express
25 purpose of TCLP hazardous characteristics testing.

1 Three sampling locations were used. All the sample
2 results showed the sludge to be RCRA nonhazardous.
3 Additionally, the biological sludge has been tested
4 after it has been filter pressed to create a solid for
5 landfill disposal. The test results for the material
6 show it to be nonhazardous. This information and the
7 analytical results were provided to the Illinois EPA
8 via facsimile and mail on January 15th, 1998, a copy
9 of which is attached hereto as attachment B.
10 C, contingent corrective measures plan. The
11 contingent corrective measures plan incorporates the
12 requirements of a corrective action plan, details of
13 which were provided to the Illinois EPA for Pond #2 in
14 the RCRA Part B submittals for this unit. This
15 document is Attachment Number 5 of the Adjusted
16 Standard Petition. Additionally, a groundwater
17 detection monitoring program for this area was
18 initiated in the third quarter of 1991. The Wood
19 River Refining Company is committed to following this
20 program throughout the period of the adjusted
21 standard. If any contamination is found in the
22 groundwater which could have come from the use of the
23 pond, the Wood River Refining Company is proposing to
24 implement a program of Corrective Measures Study in
25 order to develop the appropriate corrective measures

1 for the detected contamination. This proposal was
2 made in conjunction with the Alternate Source
3 Demonstration sent to the U.S. EPA on August 11,
4 1993. The Alternate Source Demonstration is
5 Attachment Number 7 of the Adjusted Standard
6 Petition.

7 Response to Illinois EPA concerns regarding inlet
8 ditch. A, background and additional sampling
9 completed. During an on-site visit on January 21,
10 1998, IEPA representatives raised several issues and
11 concerns regarding the operation of the SBTS/Pond #2
12 and the status of the conveyance between the two, the
13 inlet ditch. IEPA's concerns, the numbered questions,
14 and our responses, which were sent February 10, 1998,
15 follow in both this and the following section.

16 Question number 1, are any other wastewater
17 streams mixed with the SBTS outlet prior to the
18 effluent entering the inlet ditch? Similarly, is
19 sampling at the inlet ditch equivalent to sampling the
20 overflow weir at the SBTS tank.

21 There are no other wastestreams which tie into the
22 treated effluent from the SBTS prior to entering the
23 inlet ditch to Pond #2. Sampling at the pipe
24 discharge to the inlet ditch is equivalent to sampling
25 the overflow weir in the SBTS.

1 Is the inlet ditch lined? What would it take to
2 line the ditch? Are there any hazardous wastes in the
3 ditch?

4 The response, the inlet ditch to Pond #2 was also
5 constructed via below-grade excavation within a
6 predominately clay layer of approximately 12 foot
7 thickness. The inlet ditch to pond #2 is roughly 6
8 feet deep, half as deep as the pond, and is unlined
9 except with the natural clay into which it was dug.

10 In order to line the inlet ditch to Pond #2, Shell
11 would have to isolate the ditch from the Pond via
12 sewer plugs or "balloons" and pump out the ditch and
13 allow it to dry. Temporary piping and diesel pumps
14 would have to be installed in order to transfer the
15 SBTS effluent to the inlet to Pond #2. Grading and
16 preparation of the ditch for either an asphalt liner
17 or concrete tile would have to occur prior to actual
18 placement of the liner.

19 The delay of closure provisions do not require
20 that the inlet ditch be lined in order to receive
21 nonhazardous wastes under an adjusted standard. The
22 inlet ditch may continue in its current use so long as
23 all the hazardous liquids/sludges have been removed,
24 without impairing the integrity of a liner, if any
25 existed. 35 Illinois Administrative Code

1 725.213(e)(2). The inlet ditch never received any
2 listed hazardous wastes. The ditch was scoured and
3 emptied of waste biosludges and silt in 1994 for
4 hydraulic capacity reasons, in conjunction with
5 various RCRA and NESHAP activities at the wastewater
6 treatment plant.

7 Wood River Refining Company implemented a sampling
8 program in October of 1998 to test both the sludges
9 and underlying clay in the inlet ditch. The results
10 of that testing are included as Attachment C to this
11 testimony. The sludges do not fail any hazardous
12 characteristic test parameters. There is no hazardous
13 waste stored in the inlet ditch.

14 B, efforts taken to prevent releases to inlet
15 ditch. The unlined inlet ditch receives the treated
16 effluent from the first-stage SBTS tanks. At this
17 point in the process, the benzene characteristic of
18 the wastewater will have been removed. Wood River
19 Refining Company samples the SBTS effluent at the
20 inlet ditch on three consecutive days each month and
21 analyzes the stream via the TCLP, specifically for
22 benzene.

23 The SBTS process was designed with extra equipment
24 and redundant systems to guard against loss of
25 biological treatment. Under normal operating

1 conditions, all major equipment and systems,
2 recirculation pumps, blowers, return activated sludge
3 and incoming electrical supply, have available
4 spares. The system is designed to meet treatment
5 requirements for benzene under normal organic loading
6 conditions even if both recirculation pumps are out of
7 service and two of three blowers are out of service.

8 If there is a known operating problem at the SBTS
9 which could jeopardize treatment efficiency, or if
10 there is a maintenance need, the Wood River Refining
11 Company would store all wastewater in diversion tank
12 A-149 at the front end of the wastewater treatment
13 plant and cease forward flow to the treatment
14 section. A-149 has the capacity to store 24 hours of
15 normal wastewater flow from the refinery. Maintenance
16 on the SBTS would occur on an expedited basis during
17 this timeframe.

18 Question number three, what contingencies are in
19 place to handle an extended outage, greater than 24
20 hours, of the SBTS such that the inlet ditch would not
21 receive characteristically hazardous wastewater?

22 In the event that the SBTS was out for an extended
23 or greater than 24 hour period of time such that we
24 exceed our ability to contain all wastewater from the
25 refinery in tank A-149, the Wood River Refining

1 Company would elect to discharge from A-149 directly
2 into Pond #2. In the event that A-149 held off-spec
3 wastewater, the Wood River Refining Company would
4 discharge from the DNF effluent sumps directly to Pond
5 #2 and tank A-149 would be full and bypassed. The
6 inlet ditch to Pond #2 would be used to receive and
7 transport return activated sludge from the clarifiers
8 to Pond #2. As such, the inlet ditch would not see
9 any forward flow of untreated wastewater although the
10 level of the ditch would ride on the level of Pond
11 #2.

12 Under this scenario, impact on the environment
13 would be very minimal. Any benzene in the wastewater
14 will be biodegraded in Pond #2 which has an asphalt
15 liner and is situated in a clay bed. The inlet ditch
16 to Pond #2 will not manage untreated wastewater. Any
17 hypothetical release of a hazardous constituent of
18 wastewater from the inlet ditch to groundwater would
19 be unlikely due to the nonporous nature of the clay
20 underlying the ditch. Regardless, the set of
21 monitoring wells surrounding the impoundments at the
22 wastewater treatment plant will indicate whether or
23 not a release to the environment has occurred, which
24 will trigger further actions on the part of the Wood
25 River Refining Company under an adjusted standard.

1 C, regulatory status of unlined inlet ditch. The
2 Illinois Environmental Protection Agency has raised
3 the issue regarding the regulatory status of the inlet
4 ditch in the context of whether it needs to be
5 incorporated as a new unit in the RCRA Part B permit
6 application for the ponds at the wastewater treatment
7 plant, which is pending final review and action. Wood
8 River Refining Company considers the inlet ditch to
9 Pond #2 to be an appurtenance to the pond, and not as
10 a separate unit. Wood River Refining Company intends
11 for the adjusted standard to cover the inlet ditch as
12 well as Pond #2 and that this pond and ditch
13 combination be handled as one distinct unit for
14 permitting and closure purposes.

15 An updated Part B permit application will be
16 submitted in May of 1999 and will incorporate the
17 decision of the Board regarding the regulatory status
18 and future uses of Pond #2.

19 Thank you for your attention. This concludes the
20 testimony of the Wood River Refining Company. I will
21 be happy to answer any questions that you might have
22 regarding my testimony. Thank you.

23 MR. HARRINGTON: This concludes our presentation
24 at this time. The witnesses will be happy to take
25 questions before I move for the admission of the

1 exhibits.

2 HEARING OFFICER KING: All right. Are there any
3 questions for any of Shell's witnesses?

4 MR. PERZAN: Mr. Hearing Officer, I have some
5 questions.

6 HEARING OFFICER KING: I note there are questions
7 up here, too. We will get to you --

8 MR. WILLIAMS: I want to ask a question about this
9 asphalt liner.

10 HEARING OFFICER KING: All right. Please state
11 your name for the court reporter.

12 MR. WILLIAMS: Darrell Williams, south of Roxana,
13 a neighbor to Shell. The asphalt liner, three inches
14 of asphalt, we have all walked on asphalt and seen
15 asphalt. It is not safe. One cold joint -- see, I
16 laid asphalt for years. One cold joint, hot asphalt,
17 the next load comes in cold, when it hooks together it
18 don't bind. You are going to have seepage in your
19 waterways and get into the water and travel. That is
20 not a proper way. The liner is the best way to go. I
21 would never buy an asphalt liner of three inches.

22 HEARING OFFICER KING: Well, sir, there will be an
23 opportunity at the end of the hearing for you to make
24 any comments you want. At this point it is if you
25 have specific questions for any of these gentlemen.

1 MR. WILLIAMS: Well, I asked them about the
2 asphalt. Do they think that is safe or not?

3 HEARING OFFICER KING: Okay. Does anyone want to
4 respond to that?

5 MR. BREWSTER: The integrity of the Pond really
6 depends on the combination of the asphalt liner and
7 the clay layer in which it is situated, and then the
8 assurance that is provided by the groundwater
9 monitoring system that there has not been releases to
10 the groundwater from the Pond. It is a combination of
11 all of these which is the assurance.

12 MR. RAO: May I ask a follow-up question? Could
13 you tell us a little bit more about the clay liner,
14 explain how thick it is, and how it protects the
15 groundwater?

16 MR. BREWSTER: Those exact details I don't recall
17 from memory. They are available and can be gotten for
18 the Board?

19 MR. RAO: Yes, if it is helpful for the public to
20 understand how the clay liner protects the
21 groundwater.

22 MR. BREWSTER: It is not a clay liner. It is a
23 clay --

24 MR. RAO: Yes, situated in clay.

25 MR. BREWSTER: Right.

1 HEARING OFFICER KING: Mr. Perzan, I think you
2 were next.

3 MR. PERZAN: Thanks. My name is Christopher
4 Perzan. I am an attorney with the Illinois EPA. I
5 have a few questions, first for Mr. Brewster.

6 In regard to your comment on our proposed
7 condition that you objected to, I have one sort of
8 related question. Do the terms of the adjusted
9 standard that Shell has requested allow Shell to --
10 actually I am saying Shell. I should say Wood River
11 Refining Company. Sorry. But do those terms allow
12 Wood River to accept hazardous wastes in any portion
13 of Pond #2 or the inlet ditch?

14 MR. BREWSTER: My understanding would be no.

15 MR. PERZAN: So that the condition which said that
16 no hazardous wastewater shall go into any unlined
17 portion is actually something that would be required
18 anyway under the terms of this adjusted standard,
19 would you agree with that statement?

20 MR. HARRINGTON: I think we are getting into legal
21 interpretation, and I can state the adjusted standard
22 does not make a provision to allow it, absent the
23 condition that the Agency is asking for, and wouldn't
24 be a specific prohibition of the adjusted standard.
25 It would be found in the general environmental law.

1 If that answers the question, or Mr. Brewster can give
2 his understanding of it.

3 HEARING OFFICER KING: Does that answer your
4 question, Mr. Perzan?

5 MR. PERZAN: I would like to hear from Mr.
6 Brewster.

7 MR. BREWSTER: That would be my understanding
8 also. The prohibition is in the regulations.

9 MR. PERZAN: Thank you.

10 HEARING OFFICER KING: Any other questions?

11 MR. PERZAN: One follow-up question, I guess. Is
12 it your understanding that that condition adds
13 anything beyond what is otherwise required?

14 MR. BREWSTER: The sentence at issue here, the
15 last sentence that was proposed for addition?

16 MR. PERZAN: Yes.

17 MR. BREWSTER: It would appear to us that you
18 would add something above and beyond what is required
19 under the adjusted standard.

20 MR. PERZAN: So you do think that this condition
21 imposes something beyond what would otherwise be
22 required?

23 MR. BREWSTER: In reality, it puts us in an
24 untenable position, we believe. Where, as I explained
25 in my testimony, testing would show after the fact

1 that something occurred.

2 MR. PERZAN: Okay. Thank you. I have a couple
3 other quick questions. You mentioned the draft MTR
4 waiver from the U.S. EPA. Was that ever finalized?

5 MR. BREWSTER: No, sir. To our understanding it
6 was not.

7 MR. PERZAN: You also mentioned that it was your
8 understanding that the U.S. EPA had been consulted and
9 has indicated that the facility qualifies for the
10 relief being sought. On what do you base that
11 understanding?

12 MR. BREWSTER: We had earlier discussions with the
13 U.S. EPA, and it is also our understanding that the
14 Illinois EPA had discussions with the U.S. EPA and
15 came to the same conclusion.

16 MR. PERZAN: Okay. Thank you.

17 HEARING OFFICER KING: Do you have any other
18 questions?

19 MR. PERZAN: Yes, I have questions for each of the
20 witnesses.

21 Mr. Stephenson, I would like to refer you to the
22 exhibit that you have attached to your testimony.
23 When you look at the sampling results over time,
24 occasionally you see, and example is February 6th, 7th
25 and 8th, and you see slightly higher numbers than at

1 other times.

2 MR. STEPHENSON: Uh-huh.

3 MR. PERZAN: Do you have any kind of explanation
4 or understanding as to why that happens?

5 MR. STEPHENSON: I think it is just normal
6 variations.

7 MR. PERZAN: So it is fairly common?

8 MR. STEPHENSON: Yes, it is common to have
9 fluctuations.

10 MR. PERZAN: Is it related to anything other than
11 the oil and gas incident that you discussed, do you
12 think?

13 MR. STEPHENSON: Not to the best of my knowledge.

14 MR. PERZAN: I should have said oil and grease.

15 Have you done any steps to assess the overall
16 functioning of the SBTS other than the ones you have
17 covered in your testimony recently, say last year?

18 MR. STEPHENSON: Yes, we have. We have done some
19 testing of the oxygen transfer efficiency.

20 MR. PERZAN: Can you explain that a little, as to
21 why that came up and what you found.

22 MR. STEPHENSON: That was as a follow-up to the
23 benzene results. We wanted to look at -- the oxygen
24 transfer was a function of grading the benzene, if it
25 was limiting us. The conclusions that we have come to

1 so far is it is not a major function.

2 MR. PERZAN: Okay. Thank you. Mr. Petersen,
3 first I have a quick clarification question. You
4 recited some of the questions that we had, some
5 communications that we had back and forth during the
6 pendency of this. And I would just like to ask you
7 whether you think that the response that we filed
8 required or requested that the Board require that Wood
9 River Refining Company line the inlet ditch.

10 MR. PETERSEN: No, I don't believe that it
11 required that.

12 MR. PERZAN: Okay. With regard to the inlet
13 ditch, how deep is that?

14 MR. PETERSEN: I believe it is approximately six
15 feet deep.

16 MR. PERZAN: Now, it is our understanding, and I
17 guess you can confirm this for us, that based on some
18 documents submitted with the petition that there is a
19 layer of film material composed of a mixture of sand
20 and construction debris and some clay that goes from
21 about four to five feet from grade, about four to five
22 feet down throughout the area where the wastewater
23 treatment plant is located specifically where the
24 ponds are. Would you agree with that?

25 MR. HARRINGTON: Would you read back the question,

1 please?

2 MR. PERZAN: Well, let me rephrase the question.

3 Is there a film material consisting of clay, sand and
4 some construction debris extending four to five feet
5 below grade at the location of the ponds?

6 MR. PETERSEN: I don't have the detailed soil
7 borings in front of me, so I really can't answer that
8 question right now.

9 MR. PERZAN: Would it help if you had a document?
10 I have a copy of a document that was included as part
11 of the draft MTR waiver determination or the response
12 to that.

13 MR. PETERSEN: Yes, it should.

14 MR. PERZAN: Now, this document is titled,
15 generalized subsurface profile for Pond #1 and Pond
16 #2. Would you please take a look at that.

17 MR. PETERSEN: Based on the figure that was given,
18 it appears that the upper of several feet ranged
19 anywhere from clay, silty clay, to gravel, that is
20 correct.

21 MR. PERZAN: Thank you. I have marked this as
22 Respondent's 1. I would like to -- would you like me
23 to offer this for the record? I think I would like to
24 make this part of the record.

25 HEARING OFFICER KING: Is there any objection to

1 the admission of this as Respondent's Exhibit Number

2 1?

3 MR. PERZAN: I will state that it is part of the

4 petition now, and part of the attachments --

5 MR. HARRINGTON: No objection.

6 MR. PERZAN: -- just to make the record clear.

7 HEARING OFFICER KING: Okay. Do you have an

8 official copy for the record?

9 (Whereupon said document was admitted into

10 evidence as Respondent's Exhibit 1 as of this

11 date.)

12 MR. PERZAN: So the ditch now, Mr. Petersen, does

13 not have a liner, correct?

14 MR. PETERSEN: That is correct.

15 MR. PERZAN: Would you agree that to the extent

16 that the ditch is located within the fill material

17 there might be the potential for a lateral migration

18 of constituents that were in the ditch into the fill

19 material?

20 MR. HARRINGTON: Would you read back the

21 question.

22 (Whereupon the requested portion of the record was

23 read back by the Reporter.)

24 MR. PETERSEN: The potential for lateral migration

25 into the fill material, in my opinion, would exist,

1 but remember that there is still a clay layer between
2 it and the groundwater.

3 MR. PERZAN: One more question with regard to the
4 sampling of the inlet ditch that you performed. Would
5 you know the volume of the sludges that were collected
6 during the -- when the soil samples were taken?
7 Apparently, some sludge was taken as a part of that.
8 Would that information be available somewhere.

9 MR. PETERSEN: Are you asking for the amount of
10 sample that the consultants pulled up and sent to the
11 laboratory? Is that what you are asking?

12 MR. PERZAN: I think what we are trying to get at
13 is how much sludge is in the ditch.

14 MR. PETERSEN: I don't have the information. If
15 you are asking about a sludge profile along the length
16 of the inlet ditch, I can go back and see if we had
17 actual thickness, if that is what you are looking for.

18 MR. PERZAN: Yes.

19 MR. PETERSEN: I don't have that with me right
20 now, but I will go back and see if I can get that and
21 submit it to you after the hearing.

22 MR. PERZAN: Thank you. That's all I have.

23 HEARING OFFICER KING: Okay. Thanks. We have
24 some more questions from audience members in the
25 back. Please state your name for the court reporter,

1 sir.

2 MR. HUBBARD: Thank you. Good morning. My name

3 is Edward Hubbard. I am a resident of south Roxana.

4 I don't know which one of you gentlemen for the

5 refinery spoke, but you said due to current plant

6 conditions it was not cost effective for you to

7 basically delete or get rid of your pond. How much

8 would that cost?

9 MR. BREWSTER: This is Joe Brewster. I made that

10 statement. We made an estimate of that. It is \$32

11 million dollars, as I attested to in my testimony.

12 MR. HUBBARD: You say \$32 million dollars to fill

13 in a nonhazardous pond.

14 MR. BREWSTER: No, sir. That is mostly the cost

15 of replacing its functionality with another unit.

16 MR. HUBBARD: Okay. Also in your Tank A, you said

17 that if things did go wrong you had a 24 hour capacity

18 for the refinery itself. Does this include the waste

19 from Roxana or the proposed new power plant that is

20 going to be built?

21 MR. BREWSTER: The waste from the Village of

22 Roxana does not enter into Shell Wood River Refining

23 Company's wastewater treatment plant at this stage.

24 It discharges below this wastewater treatment plant,

25 so that's not a factor. The proposed plant, the

1 levels of wastewater have not been established yet
2 from it. But I believe from the numbers that I have
3 been seeing that the 24 hours would still be the
4 correct figure.

5 MR. HUBBARD: So for your testimony now that it
6 held a 24 hour capacity was wrong, correct?

7 MR. BREWSTER: I am sorry? What was the
8 question?

9 MR. HUBBARD: The question was I guess it was you,
10 sir, that made a statement that you currently had a 24
11 hour capacity in Tank A for the refinery itself. I
12 asked you whether or not that included the proposed
13 power plant waste also.

14 MR. BREWSTER: And the answer is, no, it does not
15 include the proposed power plant.

16 MR. HUBBARD: Are there plans to build another
17 tank so you do have 24 hour capacity whenever the
18 power plant goes into full swing?

19 MR. BREWSTER: The design details around the power
20 plant are not at that stage. They are still very
21 preliminary.

22 MR. HUBBARD: Do you believe that the Illinois EPA
23 has been unfair with Shell over the years?

24 MR. BREWSTER: What was the question?

25 MR. HUBBARD: Do you believe that the EPA

1 standards that has been set forth to you have been

2 unfair?

3 MR. BREWSTER: No, sir.

4 MR. HUBBARD: Do you believe that the EPA itself

5 works for all of our best interests, as far as

6 protecting the environment?

7 MR. BREWSTER: Yes, sir.

8 MR. HUBBARD: Thank you.

9 HEARING OFFICER KING: Any other questions for the

10 petitioner's witnesses?

11 Yes, sir. Go ahead.

12 MR. WILLIAMS: This is Darrell Williams from south

13 Roxana. Back to these ponds and this ditch, my

14 opinion is that it should have a line in them, and why

15 they don't think there should be a liner.

16 HEARING OFFICER KING: Sir, at this point we are

17 only taking questions for these witnesses.

18 MR. WILLIAMS: Well, there is going to be a

19 question.

20 HEARING OFFICER KING: After the Agency puts on

21 their presentation, you will have an opportunity to

22 make any statements you want on the record. At this

23 point we just want questions for these three

24 gentlemen.

25 MR. WILLIAMS: That is what I want to ask Mr.

1 Brewster. Why don't they go ahead and put a liner in
2 it? I mean, a safe environment is what we all live
3 for.

4 MR. BREWSTER: We don't believe a liner is
5 necessary to accomplish the objective or to meet the
6 standard at issue in this hearing.

7 MR. WILLIAMS: I have one other question.

8 MR. RAO: Can I ask a follow-up question? This is
9 the testimony of Mr. Petersen. In response to one of
10 the Agency questions about what would it take to line
11 the ditch, you explained, you know, that it would be
12 more to line the ditch, but you haven't given any cost
13 figures as to how much it would cost to line the
14 ditch. Do you have such cost figures?

15 MR. PETERSEN: We had put together a preliminary
16 estimate of what that cost would be, and submitted
17 that in correspondence with the Illinois EPA, and I
18 don't recall the date, but we had estimated a cost up
19 to \$400,000.00 to accomplish that.

20 MR. RAO: Okay. Would it be possible for you to
21 provide that preliminary estimate into the record or
22 is it in the record?

23 MR. BREWSTER: Is the answer to the question here
24 enough to get it into the record or do you want some
25 other --

1 MR. RAO: No, if you have something --

2 MR. HARRINGTON: We can make a copy of the
3 statement.

4 MR. PERZAN: If I can interject, I think I have
5 copies of that letter. That was in the February 10th
6 letter. I have extra copies of it.

7 MR. RAO: Yes, it could be -- you know, it could
8 be helpful if it is in the record so people know what
9 it would cost to line the ditch. All right. Thank
10 you.

11 HEARING OFFICER KING: Were there other
12 questions? Ma'am, please state your name.

13 MRS. DHUE: I am Doris Dhue. I am a neighbor in
14 south Roxana. On Mr. Petersen's report it said the
15 inlet ditch never received any hazardous waste. But
16 on the response to the Illinois Environmental
17 Protection Agency to petition for adjusted standard,
18 it says in here Pond #2 is a lined surface impound.
19 And it also says in here the wastewater received from
20 the pipeline to unlined ditch runs the length of Pond
21 #2 and discharges into Pond #2 at the east end. And
22 Pond #2 becomes hazardous from the benzene toxic
23 characteristic. And it also appears that the unlined
24 ditch became regulated as well. So it means that they
25 did have a benzene spill in the pond by this one

1 application or from the pond into the ditch, but on

2 this testimony it states that there hasn't been any.

3 So I am kind of confused by it.

4 HEARING OFFICER KING: Could you clarify that, Mr.

5 Petersen?

6 MR. PETERSEN: The testimony that I gave indicates

7 that the inlet ditch never received any listed

8 hazardous wastes, and in RCRA there is a difference

9 between listed and characteristic hazardous waste.

10 Listed wastes are wastestreams that the Agency defines

11 as hazardous, and characteristic wastes are wastes

12 that aren't defined necessarily as hazardous, but when

13 you test them they fail either a toxicity

14 characteristic or reactivity or ignitability. And the

15 testimony is that it never received any listed

16 hazardous waste, which it did not.

17 Now, during the period of time before the SBTS was

18 active, it would have seen, as did Pond #2, untreated

19 wastewaters from the wastewater treatment plant which

20 may have failed the hazardous characteristic for

21 benzene. That's the distinction.

22 MRS. DHUE: There is another question I have. It

23 was also about the 24 hours normal wastewater flow

24 from the refinery. We have had some really fantastic

25 rains in the last few years. They are not normal 24

1 hour flows lately. As you know, the weather has
2 changed so much. Is there a contingency plan to
3 overcome the over more than 24 hours of normal
4 wastewater flow? Will that ditch be overflowing every
5 time that there is more rain than usual with that
6 pond?

7 And it also said the impact, in his report, on the
8 environment would be very minimum. Well, I don't know
9 what you consider minimum. I think that anytime that
10 you have toxic chemicals that go into the ground that
11 go to our aquifer, it cannot -- how can any spills be
12 considered minimum?

13 MR. STEPHENSON: The 24 hour number is based on a
14 total containment. Typically with the big rains we
15 had we have continued forward flow. We have not lost
16 treatment. So we continue forward flow, and put the
17 level in the convergent tank. We certainly don't
18 overflow into the ditch or pond.

19 MR. HUBBARD: This is Edward Hubbard again. This
20 summer we lost power down there for about three or
21 four days. Did your tank A and pond or whatever that
22 you were doing, were they still in operation.

23 MR. STEPHENSON: Yes, they continued operation.
24 We did not loose power at that section of the plant.

25 MR. HUBBARD: Okay. Thank you.

1 HEARING OFFICER KING: Yes, sir.

2 MR. DHUE: My name is Forrest Dhue. I am a
3 neighbor of Shell. I live within less than a quarter
4 of a mile from this pond that they are talking about,
5 and I have a couple of questions. In my place I can
6 drill 18 feet and I hit seep sand, and I mean seep
7 sand, fine as like face powder. How deep do they have
8 to go to hit sand? That's the first question.

9 MR. BREWSTER: The refinery itself covers some
10 2,000 acres, and the answer to that is that it varies
11 throughout the site.

12 MR. DHUE: I am talking about the pond area, the
13 ditch area and the pond area.

14 MR. BREWSTER: The profile which is in the earlier
15 question would indicate that is about 20 to 25 feet.

16 MR. DHUE: Why would it be deeper there than where
17 I am at, and I am 15 feet above where this pond is at
18 least.

19 MR. BREWSTER: There is probably a mile between
20 your residence and the location of the --

21 MR. DHUE: No, no, two blocks.

22 MR. BREWSTER: These ponds are located in our
23 western -- it is along Rand Avenue on the west side of
24 Route 111.

25 MR. DHUE: Then we will say it is a mile. Now I

1 have another question for you. You said you keep
2 mixing this stuff to keep it from getting to where it
3 is a hazardous material with water; is that correct?

4 MR. BREWSTER: The mixing is to accomplish the
5 biodegradation to keep close contact to the bacteria
6 in the system and the organic waste in the system and
7 oxygen. Those all three have to come together to
8 accomplish the process purpose here, which is to
9 biodegrade the organic molecules.

10 MR. DHUE: Then my next question is if you have
11 any hydrocarbons at all in this water, what is the
12 evaporation rate of those hydrocarbons into the
13 atmosphere?

14 MR. BREWSTER: The primary section of this plant
15 where we remove the -- any free oil is totally
16 enclosed and vent controlled, as required by current
17 federal regulations and also adopted by the state.

18 MR. DHUE: Then why do you need the pond?

19 MR. BREWSTER: Because after the primary section
20 you will still have some dissolved organic materials
21 in the water, and it is those dissolved organic
22 materials that must be removed to meet the criteria in
23 our NPDES permit. Those can't be removed by a
24 physical means, so we use this biological process to
25 degrade those remaining organic materials.

1 MR. DHUE: Thank you.

2 HEARING OFFICER KING: Are there any other
3 questions for the petitioner's witnesses?

4 MR. WILLIAMS: Yes. This is Darrell Williams. I
5 wanted to ask you a question about -- I don't know
6 which one said it -- but one day a month they run a
7 test on this pond. Don't that seem like a long time?
8 If you had a benzene leak, and you wait three or four
9 weeks to run a test, or any other toxic chemical
10 leak? Why wait for 30 days before they check it, or
11 only check it once a month? I mean, if I wanted to be
12 a good person -- I mean, I mow my grass more often
13 than that.

14 HEARING OFFICER KING: Do you want to respond to
15 that?

16 MR. PETERSEN: We analyze the outlet at the
17 biological treatment tank on three consecutive days
18 each month. That is for just -- just for regulatory
19 requirements and record keeping. However, for the
20 operation of the wastewater treatment plant, we have
21 monitoring that occurs at least on every shift basis
22 to check and make sure that there are no excessive
23 loads of organics or any other upsets to the
24 wastewater treatment plant. So we do monitoring on a
25 very frequent basis, every day, for the operation of

1 the wastewater plant, but for regulatory compliance
2 purposes, we do not -- we do not monitor, you know,
3 more than a couple times per shift, like we do for
4 regular operations.

5 MR. WILLIAMS: Okay. I have another question
6 there. I know everybody is human and everybody makes
7 mistakes. Once in awhile I have to call the
8 environmentalists and tell them about leaks they had that
9 they have overlooked, and then they thank me for it.
10 But I still think the ditch ought to be fixed, because
11 no one would have an open sewer at home running down
12 the street. You should have the ditch fixed proper
13 and safe.

14 HEARING OFFICER KING: Are there any other
15 questions for the petitioners?

16 MRS. DHUE: I am Doris Dhue. I am from south
17 Roxana. Also in this one report it says that Pond #2
18 lost status authority operating when the MTRs were not
19 achieved and waiver was not granted or closure
20 performed. Why was the pond and the ditch allowed to
21 still be opened when there was no waiver granted or
22 closure performed, either one? If they already broke
23 this, it was granted to them that they had to either
24 close it or get a waiver, then why were they allowed
25 to keep operating, and you are having a hearing now on

1 this when they already broke their permit?

2 MR. BREWSTER: Our legal opinion was that the
3 waiver was effective during that time period.

4 MRS. DHUE: Is it your place, as an attorney, to
5 make sure the waiver was in place?

6 HEARING OFFICER KING: I wonder if Counsel for the
7 Petitioner could explain how that whole procedure
8 works, because I don't know that it was laid out real
9 clearly in this testimony. I know that you discussed
10 it in the petition.

11 MR. HARRINGTON: Yes. There was a provision in
12 the law that allowed a request for minimum technology
13 waiver to the permitting authority. At the time that
14 the application was made it was made to the U.S. EPA.
15 They issued a document which said that they approved
16 the waiver. They called it a draft. The opinion of
17 Shell's inhouse counsel at that time, as I understand
18 it, and my opinion was that the determination that
19 this facility met the requirements of the law was all
20 that was required to fulfill that requirement. It may
21 differ with the IEPA. The statements were quoted by
22 the questioner about the legal effect of that. But
23 that's the opinion -- our opinion concerning that.
24 And as to the adjusted standard, the practical effect
25 of seeking the adjusted standard and the way it has

1 practically come to be developed in this state is that
2 it is desired that the company work with the IEPA to
3 eliminate as many potential issues as possible before
4 presenting it to the Board. And this has been done in
5 this case, and the draft application was prepared and
6 was submitted and it has been developed with the IEPA
7 and then submitted to the Board. The Board can act on
8 it now, which has the affect of validating the
9 operation.

10 HEARING OFFICER KING: All right. Are there any
11 other questions. Yes, Mr. Dhue?

12 MR. DHUE: Yes, I have got a question. If I have
13 a car and it will not pass the emission test that the
14 EPA demands in this area, the St. Louis metropolitan
15 area, and they tell me, okay, you can't pass the test,
16 so we won't put no license -- your license will be
17 revoked. You can't drive that vehicle. Right?

18 Okay. Say I buy another car to replace it or whatever
19 and it passes the EPA test, and then I go back to them
20 and I say, hey, I want to keep the license on that car
21 just in case this other one doesn't work. It doesn't
22 work that way for me. Why should it work that way for
23 them?

24 HEARING OFFICER KING: I think that you want to
25 pose that question to the Agency instead of these

1 gentlemen.

2 MR. DHUE: Well, either way.

3 HEARING OFFICER KING: Are there any other
4 questions? Yes, ma'am. Please state your name.

5 MS. SANDERS: My name is Henrietta Sanders. I
6 live in south Roxana. I have for the last 20 years.

7 At one time Shell talked about buying out south
8 Roxana. We are bordered by oil companies all around

9 us. We have had this a number of times, we have had
10 this hearing here. My city -- you couldn't have this

11 hearing unless you write to the clerk and get

12 permission to talk. That's the kind of city we have

13 got, the kind of mayor we have got. In my opinion he

14 stinks. But I have to say here that with all of the

15 work that needs to be done at Shell, and whoever

16 bought into Shell, has my sympathy, because they

17 should have scoured the neighborhood and found out

18 what it was all about there before they put their

19 bucks down. But buying out south Roxana, this little

20 area, where we now have a bridge there and we have got

21 all different kinds of trucking companies coming in

22 there, that I think it would be more feasible putting

23 in a liner in one part of the company that you people

24 got.

25 HEARING OFFICER KING: Ma'am --

1 MS. SANDERS: I don't think you are too good of
2 business men not to see that.

3 HEARING OFFICER KING: There will be an
4 opportunity later in the hearing to make a statement.
5 But at this point all we are talking are specific
6 questions for the petitioner's witnesses.

7 MS. SANDERS: Well, this is for all of you.

8 HEARING OFFICER KING: If you just want to make a
9 statement to put forth your views, you will have a
10 chance to do that later. Right now --

11 MS. SANDERS: Yes, I have a specific question.

12 HEARING OFFICER KING: Okay. What is your
13 question?

14 MS. SANDERS: I had a son that died of cancer last
15 February, and I think they had a suit going with
16 Shell. I don't know what come of that, because him
17 and his wife divorced after he -- well, after he died,
18 I don't know what come of that, the lawsuit, what
19 happened. But I know one thing, when they pay you
20 off, whoever they pay, there is a stipulation in there
21 that you are not to tell anything about this.

22 HEARING OFFICER KING: Ma'am, do you have a
23 question for any of these gentlemen?

24 MS. SANDERS: I hope all of you have heard what I
25 had to say. That is all.

1 HEARING OFFICER KING: All right. Are there any
2 more questions for any of the petitioner's witnesses?

3 Yes, Mr. Dhue.

4 MR. DHUE: I didn't get an answer on what I asked
5 about awhile ago on the EPA thing.

6 HEARING OFFICER KING: Well, they have not put on
7 their part of the case yet.

8 MR. DHUE: Okay.

9 HEARING OFFICER KING: Mr. Rao has some more
10 questions.

11 MR. RAO: I have a couple of questions for
12 clarification.

13 This question is for Mr. Brewster. In your
14 testimony when you talked about the alternative
15 treatment, you can remove the pond from service and
16 spend \$32 million dollars, and in the petition itself,
17 you know, a cost figure in excess of \$5 million
18 dollars has been quoted. Could you explain what
19 exactly is involved in replacing the Pond #2 and how
20 this cost is arrived at?

21 MR. BREWSTER: When we filed the petition in May
22 we had not done a complete engineering study on what
23 the replacement alternative might be. So at that
24 point we knew it was more than \$5 million dollars.
25 Since that time we put together a team of process

1 engineers and project engineers to take a further look
2 at that and draw out what that in reality would be.
3 And basically it is replacing that 4 million gallon
4 reactor with two used tank structures, and then those
5 tank structures would have the same capacity as the
6 existing pond, and then putting an aeration system in
7 and plus the necessary pumps to bring the wastewater
8 into that tank and to take it back out and additional
9 piping and facilities to run all of that. But that is
10 what we looked through and put together that estimate,
11 like we would any other project if we were to build
12 another unit, and we completed that recently.

13 MR. RAO: Do you have some kind of prepared cost
14 estimate that you could submit into the record.

15 MR. BREWSTER: We can provide that to the Board
16 subsequent to this hearing, yes.

17 MR. RAO: You can do that?

18 MR. BREWSTER: Yes.

19 MR. RAO: Okay. Thank you. My next question is
20 for Mr. Petersen. In the last page of your testimony,
21 you say that the Wood River Refining Company petition
22 for adjusted standard to include the inlet ditch as
23 well as Pond #2. And I just wanted to ask you whether
24 the language that you are proposing now, the language
25 for the adjusted standard, does that reflect this

1 intent?

2 MR. HARRINGTON: It is our understanding that it
3 does. If there was any question in anyone's mind, it
4 should be clarified.

5 MR. RAO: The reason I ask the question is that
6 since the Agency is in issue concerning the inlet
7 ditch, and since you have subsequently said that you
8 wanted the inlet ditch considered as part of the pond,
9 and in looking at the proposed language, and it
10 doesn't say that the inlet ditch is part of the Pond
11 #2, so I just wanted to make sure that your intent is
12 reflected in the proposed adjusted standard language.

13 MR. HARRINGTON: We will examine that and in post
14 hearing comments we will clarify it.

15 MR. RAO: Okay. Thank you. That's all I have.

16 HEARING OFFICER KING: Yes, Mr. Hubbard.

17 MR. HUBBARD: Edward Hubbard again. You are going
18 to save \$30 million dollars if you keep this pond in
19 use. Couldn't you spend some of that \$30 million
20 dollars and put a liner in it?

21 Do I need to rephrase that?

22 MR. BREWSTER: No, I am thinking. We think that
23 the -- apparently, the only thing at issue is the
24 inlet ditch and whether that needs a liner in it or
25 not. And we are prepared, if that's the final

1 outcome, to make that addition. But the cost of
2 replacing the functionality of Pond #2 in total, the
3 \$32 million dollars, we certainly think is
4 disproportionate to any benefit.

5 MR. HUBBARD: And for that \$32 million dollars
6 that you are going to save, it has already been noted
7 that asphalt does leak, and if it is not laid as one
8 continuous batch, it will develop leaks and seep into
9 our groundwater. Would it be worth peace of mind to
10 maybe spend some of that \$32 million dollars, other
11 than closing the pond, to line it with maybe a rubber
12 skin or whatever the EPA may say is correct to do?

13 MR. BREWSTER: It would be physically impossible
14 to do that, simply because we have no alternative
15 other than to run the pond to meet our discharge
16 permits, and to install an additional liner in that
17 pond would require drying it out and removing all the
18 contents to do that, and probably many months of
19 construction.

20 MR. HUBBARD: If you are allowed to keep the pond
21 as is, are you going to put any of that \$32 million
22 dollars back into the area, the communities that are
23 going to be affected by the possible leakage, towards
24 our environment? You are wanting to save yourselves
25 the \$32 million dollars. I think the least you could

1 do is maybe help out our communities. If you can't
2 give us peace of mind, then maybe have plans for maybe
3 some parks, green areas, or other ideas such as that.

4 MR. BREWSTER: I think there probably are, Mr.
5 Hubbard. We recently reached an agreement with both
6 the state and the U.S. government to make major
7 investments along this line, separate and apart from
8 this whole matter at this hearing.

9 MR. HUBBARD: Do you know if Shell has come to an
10 agreement with the 170 homes that were affected on the
11 west side of town that were sprayed with your
12 pollutants out of your crackers?

13 MR. BREWSTER: Could you please repeat the
14 question?

15 MR. HUBBARD: It was 120 homes that were affected
16 by a fuel oil spill. Have you reached settlements
17 with any of those homeowners on the west side of town,
18 up on Velma, in that area.

19 MR. BREWSTER: It is my understanding all of those
20 claims have been settled.

21 MR. HUBBARD: I see one person up here shaking
22 their head no, so I don't know. That's why I am
23 concerned with the \$32 million dollars that you are
24 going to save, as to whether or not you are going to
25 either put it back into our community or line the

1 pond, to give us peace of mind for our future

2 generations. Thank you.

3 MR. RAO: May I ask a question? In terms of
4 groundwater contamination, earlier you mentioned how
5 there is clay, and also you have a groundwater
6 monitoring system which acts as an early detection
7 system. Is any of this site geological information in
8 the record which shows how thick the layer is and how,
9 you know, any seepage would be retarded through the
10 clay liner if there was a seepage?

11 MR. BREWSTER: I am sure in the record is the soil
12 boring information and the general construction
13 details of the pond. The actual estimates of seepage,
14 I don't know that has ever been done and is anywhere
15 in the record.

16 MR. RAO: All right.

17 MR. BREWSTER: The more direct evidence by the
18 groundwater monitoring wells I believe is in the
19 record.

20 MR. RAO: Okay. This groundwater monitoring
21 system that you have now, I assume that has been
22 evaluated by the Illinois EPA and approved?

23 MR. BREWSTER: It was put together to meet the
24 RCRA requirements, yes, under the RCRA standards.

25 MR. RAO: Okay.

1 MR. BREWSTER: And it continues to be sampled and
2 reported in that fashion.

3 MR. RAO: Thank you.

4 HEARING OFFICER KING: Yes, Mr. Dhue.

5 MR. DHUE: My name is Forrest Dhue. You already
6 know that. I have lived in the shadow of Shell -- and
7 excuse my use of that word, because they have changed
8 it around, but I can't help myself -- for 43 years.

9 The question I have is they don't have any idea of
10 what the ground seepage is. Then how did all of the
11 hydrocarbons get in the water in the aquifer
12 underground? They are there. They don't know how
13 many is there. They don't know how thick it is. But
14 it is there. Where did it come from?

15 MR. BREWSTER: Shell has a very extensive
16 groundwater monitoring program throughout the entire
17 site that has been in place since the late 1970s and
18 has been under the auspices of RCRA since about 1984,
19 I believe. And we do quarterly monitoring and report
20 all of this information to the IEPA. I think we have
21 described in considerable detail the groundwater
22 quality in the area and any plumes that may exist in
23 the area. And that is in the record with the IEPA.
24 And, furthermore, we have implemented a corrective
25 action program for areas where there is some

1 contamination, and that corrective action program is
2 described in the RCRA permit. And that's the program
3 that we follow continuously to insure compliance with
4 that.

5 MR. DHUE: Groundwater and aquifer is two
6 different things. The groundwater stays above
7 ground. The aquifer is below ground.

8 HEARING OFFICER KING: Actually, the way those
9 terms are defined in the State regs, groundwater
10 refers to below groundwater and water on the surface
11 is referred to as surface water. So groundwater, as
12 being used in these proceedings, means water under the
13 surface.

14 MR. DHUE: He still didn't answer where those
15 hydrocarbons came from.

16 MR. BREWSTER: They came from historical leaks
17 dating -- you know, this refinery is some 80 years
18 old. There are underground lines and many, many of
19 those -- most of that system has been replaced.

20 MR. DHUE: May I ask another question?

21 HEARING OFFICER KING: Yes.

22 MR. DHUE: How come those lines were never taken
23 out.

24 MR. BREWSTER: They were all emptied and purged at
25 the time that they were replaced and many have been

1 removed.

2 MR. DHUE: Many, but there is a lot still there;

3 is that not true?

4 MR. BREWSTER: I don't have the exact details.

5 MR. DHUE: Thank you.

6 MRS. WILLIAMS: My name is Jenny Williams, and I

7 would like to ask this of Joe Brewster. Now, you say

8 in no event shall Shell allow the introduction of

9 hazardous wastewaters into any portion of Pond #2

10 which is unlined, but the water has to come through

11 the ditch. Say there is a leak and the ditch is

12 unlined. So do you go and dig the dirt up at that

13 time and remove it? What do you do with it? Could I

14 rephrase that?

15 MR. BREWSTER: There continues to be the

16 groundwater monitoring program there, which would

17 detect if there ever were any leakage, but the ditch

18 resides above this clay layer, which would prevent it

19 from getting into the groundwater. It is actually dug

20 into the clay layer also. But operationally, the

21 intention is to operate the plant so that none of the

22 system sees any of the benzene above the

23 characteristic level.

24 MRS. WILLIAMS: What about over rain, like if it

25 rains?

1 MR. BREWSTER: The wastewater treatment plant is
2 designed to handle those additional loads that do
3 occur during a rain storm. In fact, it has done that
4 quite well over the years.

5 MRS. WILLIAMS: Okay. Thank you.

6 MR. HARRINGTON: Just a couple of questions to
7 clarify the record. In the vicinity of Pond #2 and
8 the ditch, there is the groundwater monitoring as to
9 that?

10 MR. BREWSTER: That's correct.

11 MR. HARRINGTON: That monitoring has existed for
12 how long?

13 MR. BREWSTER: It went into place in the fall of
14 1991.

15 MR. HARRINGTON: Has any benzene been detected in
16 the groundwater or aquifer in that area?

17 MR. BREWSTER: There was one detection I think in
18 one sampling round. I forget the year.

19 MR. HARRINGTON: Has it ever been repeated?

20 MR. BREWSTER: No, it has not been repeated and at
21 the time we reviewed the data through an alternate
22 source demonstration it was determined that it was not
23 the ponds that were the source of that.

24 MR. HARRINGTON: So when you talked earlier about
25 the groundwater water monitoring system operated by

1 the refinery, and the corrective action plan, that did
2 not refer to the area where the ponds are, but the
3 refinery area on the other side?

4 MR. BREWSTER: That's correct.

5 MR. HARRINGTON: And in that area there has been
6 some organics detected, and those are captured by a
7 groundwater pumping system?

8 MR. BREWSTER: That's correct.

9 MR. HARRINGTON: In fact, in the area of the
10 refinery, the system is operated so that the
11 groundwater flows into the Shell wells and is
12 recovered for treatment?

13 MR. BREWSTER: That is correct, and that whole
14 element is reflected in the RCRA permit itself,
15 Section 2 of the permit.

16 MR. HARRINGTON: Okay. In fact, that water is
17 under an agreement with the U.S. EPA that that water
18 is treated for benzene if any is present; is that
19 correct?

20 MR. BREWSTER: That's correct.

21 MR. HARRINGTON: All right. That's all I have.

22 Thank you.

23 HEARING OFFICER KING: Did you want to have any of
24 these documents admitted as exhibits?

25 MR. HARRINGTON: Yes, I did. At this time I would

1 like the Petition for the Adjusted Standard and its
2 attachment, marked as Exhibit Number 1, and there is a
3 copy that I have handed the court reporter that bears
4 the adjusted petition that already has a typed exhibit
5 page on the front of it. I will ask, if the Hearing
6 Officer will agree, that we incorporate the exhibits
7 that were attached to the petition when it was filed
8 as part of this record and as part of the exhibit.

9 HEARING OFFICER KING: Are there any objections?

10 MR. PERZAN: No objection.

11 HEARING OFFICER KING: Okay. The attachments to
12 the petition will be incorporated as attachments to
13 the Petitioner's Exhibit 1 from this hearing.

14 (Whereupon said document was admitted into
15 evidence as Petitioner's Exhibit 1 as of this
16 date.)

17 MR. HARRINGTON: I also then ask that the
18 testimony of Mr. Brewster be marked as Exhibit Number
19 2, and incorporated into the record as an exhibit.

20 HEARING OFFICER KING: Is there any objection to
21 Mr. Brewster's prepared testimony being admitted as
22 Exhibit Number 2?

23 MR. PERZAN: No objection.

24 HEARING OFFICER KING: All right. It will be
25 admitted as Petitioner's Exhibit Number 2.

1 (Whereupon said document was admitted into
2 evidence as Petitioner's Exhibit 2 as of this
3 date.)

4 MR. HARRINGTON: I ask that the testimony of Mr.
5 Stephenson be marked as Exhibit Number 3 and
6 incorporated into the record.

7 HEARING OFFICER KING: Is there any objection to
8 the testimony of Mr. Stephenson being admitted as
9 Petitioner's Exhibit Number 3?

10 MR. PERZAN: No objection.

11 HEARING OFFICER KING: All right. That is
12 admitted as Petitioner's Exhibit Number 3.

13 (Whereupon said document was admitted into
14 evidence as Petitioner's Exhibit 3 as of this
15 date.)

16 MR. HARRINGTON: Finally, I ask that the testimony
17 of Mr. Petersen, together with the attachments, be
18 marked as Exhibit Number 4 and incorporated into the
19 record.

20 HEARING OFFICER KING: Is there any objection to
21 Mr. Petersen's testimony being admitted as
22 Petitioner's Exhibit Number 4?

23 MR. PERZAN: No objection.

24 HEARING OFFICER KING: All right. That will be
25 admitted as Petitioner's Exhibit Number 4, and there

1 are Attachments A, B, and C, which are May 28th, 1997
2 correspondence, January 15th, 1998 correspondence, and
3 Inlet Ditch Sampling Report, November of 1998, which
4 are now attachments to Petitioner's Exhibit Number 4
5 admitted.

6 (Whereupon said documents were admitted into
7 evidence as Petitioner's Exhibit 4 as of this
8 date.)

9 MR. HARRINGTON: Thank you very much.

10 HEARING OFFICER KING: Before we continue, we are
11 going to take a break. Why don't we come back in
12 about ten minutes, and then we will hear from the
13 Agency.

14 (Whereupon a short recess was taken.)

15 HEARING OFFICER KING: All right. We will go back
16 on the record now.

17 Before we start again, I would just like to state
18 that the purpose of these proceedings is to make a
19 record that the Members of the Pollution Control Board
20 will review when they are making their decision on the
21 petition that has been filed here. And to that end,
22 if Mr. Rao or I ask any questions, the purpose of that
23 is to help make a complete record, and it does not
24 necessarily indicate that there is any predisposition
25 on our part or the part of the Board to go one way or

1 another on this petition application.

2 All right. Having said that, now we will hear

3 from the Environmental Protection Agency.

4 MR. PERZAN: Thank you. I think as an initial

5 matter I would like to offer the February 10th letter

6 from Shell to -- actually to me, which addresses the

7 question of the inlet ditch lining and the cost, that

8 the Board requested earlier.

9 MR. HARRINGTON: No objection.

10 HEARING OFFICER KING: I will mark this as

11 Respondent's Exhibit Number 2.

12 (Whereupon said document was duly marked for

13 purposes of identification as Respondent's Exhibit

14 2 as of this date.)

15 HEARING OFFICER KING: Do you have any extra

16 copies of this for any members of the public?

17 MR. PERZAN: I have two extra copies.

18 HEARING OFFICER KING: If you can pass those up

19 there and maybe they can look at them. Could you just

20 summarize briefly on the record what is in this

21 letter?

22 MR. PERZAN: Well, with regard to specifically --

23 this was a letter written from Mr. Petersen to myself

24 in response to some questions I believe on the inlet

25 ditch, and it goes over the relevant part to what the

1 Board requested. It goes over what it would take to
2 line the inlet ditch and the cost, a cost of
3 \$400,000.00, and it basically sketches out what
4 technically would have to be done. The rest of it,
5 frankly, I don't recall offhand.

6 HEARING OFFICER KING: Is there any objection to
7 accepting this into the record as Respondent's Exhibit
8 Number 2?

9 Okay. Then this will be admitted as Respondent's
10 Exhibit Number 2.

11 (Whereupon said document was admitted into
12 evidence as Respondent's Exhibit 2 as of this
13 date.)

14 MR. PERZAN: If we are admitting exhibits, we had
15 one earlier that was Respondent's Number 1.

16 HEARING OFFICER KING: Yes, that was admitted at
17 that time, so that is in the record as well.

18 MR. PERZAN: Okay. For the Agency's part, I think
19 to a large extent we will rely on our response for our
20 overall position on the adjusted standard petition,
21 but specifically with regard to some questions or some
22 concerns that we had about the inlet ditch, we would
23 like to offer the testimony of Mr. Chris Cahnovsky.

24 HEARING OFFICER KING: All right. Ms. Niemeyer,
25 would you please swear the witness.

1 (Whereupon Mr. Cahnovsky was sworn by the Notary
2 Public.)

3 MR. PERZAN: Could you please state your full name
4 for the record.

5 MR. CAHNOVSKY: Christopher Neal Cahnovsky.

6 HEARING OFFICER KING: Could you spell your last
7 name.

8 MR. CAHNOVSKY: C-A-H-N-O-V-S-K-Y.

9 HEARING OFFICER KING: Thank you.

10 MR. PERZAN: Could you give us a brief outline of
11 your educational background and job description now?

12 MR. CAHNOVSKY: Yes. I have a Bachelor of Science
13 in animal science from Southern Illinois University in
14 Carbondale. I have a Master's of Science in
15 environmental science from SIU in Edwardsville. I am
16 a Certified Hazardous Materials Manager from the
17 Institute of Hazardous Materials Managers. I serve on
18 the Board of Directors of the Gateway Society of
19 Hazardous Materials Managers. I am currently employed
20 by the Illinois EPA as a field inspector out of the
21 Collinsville regional office. I do compliance
22 inspections pursuant to the Resource Conservation &
23 Recovery Act. My job duties specific to the Wood
24 River Refinery is I do the compliance inspections
25 pursuant to RCRA on their generator, generation

1 treatment and transportation and storage of hazardous
2 waste on their Part B permit except for the
3 groundwater financial requirements.

4 MR. PERZAN: You heard Mr. Petersen's testimony
5 regarding the fill layer and the inlet ditch earlier?

6 MR. CAHNOVSKY: Yes.

7 MR. PERZAN: Would you agree that there is a
8 potential for a lateral migration of constituents from
9 the inlet ditch into the fill?

10 MR. CAHNOVSKY: Yes, I do.

11 MR. PERZAN: Are you comfortable, based on what
12 you have seen, in terms of the record here, that there
13 is no pathway to groundwater from the fill material
14 below the clay?

15 MR. CAHNOVSKY: According to the record that has
16 been presented, I can't make a determination whether
17 there is no migration present there. It is possible
18 that somewhere along this conveyance there may be a
19 pathway present that would cause a release.

20 MR. PERZAN: Okay. I don't think I have any
21 further questions.

22 HEARING OFFICER KING: Okay. Are there any
23 questions for Mr. Cahnovsky?

24 MRS. DHUE: I am Doris Dhue. Do you feel like
25 that that ditch is a hazard to our water table, and

1 our aquifer and spills due to the fact that it can
2 have infiltration?

3 MR. CAHNOVSKY: If there was infiltration present,
4 if it did leak and it did penetrate the clay layer,
5 yes, there would be potential for groundwater
6 contamination.

7 MRS. DHUE: Isn't it a thin clay layer? Isn't it
8 only three inches?

9 MR. CAHNOVSKY: According to the documentation
10 that was submitted by Shell at the time, and I believe
11 the documentation is around 1993, it shows that the
12 clay layer is approximately twelve feet deep in that
13 area.

14 MRS. DHUE: Isn't that the pond, though, that's
15 not the ditch?

16 MR. CAHNOVSKY: Are you referring to the liner or
17 the ditch.

18 MRS. DHUE: The ditch. There is no liner in the
19 ditch. Is there a clay liner? Isn't the ditch lower
20 than the pond, too?

21 MR. CAHNOVSKY: The ditch is approximately six
22 feet deep and on the pond it is approximately twelve
23 feet deep. As far as a liner in the pond -- I am
24 sorry -- as a far as a liner in the inlet ditch, from
25 the information submitted, there is no engineered

1 liner in the ditch. Was that your question?

2 MRS. DHUE: Basically. Also, this whole area sits
3 on seep sand, so if there is infiltration from the
4 ditch, isn't it more apt to go right straight through
5 the seep sand and into the aquifer?

6 MR. CAHNOVSKY: From the information submitted, it
7 appears that from the ditch there is approximately ten
8 to twelve feet of clay. So the release would have to
9 go through that before it got to the silty sand. But
10 in the information submitted, there is a possibility
11 that if there was a release and it did get through the
12 clay, that, yes, there would be a release to
13 groundwater.

14 MRS. DHUE: Okay. Thank you.

15 MR. WILLIAMS: Could I ask a question? Is the
16 name Jim?

17 HEARING OFFICER KING: It is Mr. Cahnovsky.

18 MR. WILLIAMS: What is your name?

19 MR. CAHNOVSKY: Chris.

20 MR. WILLIAMS: Chris. Okay. I am sorry. I am
21 Darrell Williams. I have one question that has not
22 been asked here. What about the vapors off this that
23 carries through the air? How many feet could that
24 carry if you have a wind that is 18 or 20 miles an
25 hour or 30?

1 MR. CAHNOVSKY: Mr. Williams, I don't think I am
2 qualified to answer that because, frankly, I don't
3 know.

4 MR. WILLIAMS: One more question that maybe you
5 could answer. I don't know how long the ditch has
6 been there. It has probably been there for years.
7 Over a period of years a ditch is like anything and it
8 will wear. Anything going down it, water or slush or
9 anything, after a period of years it is like an old
10 water pipe and it can get thin. How do we know how
11 much clay is in that ditch? Over a period of years it
12 can get thin.

13 MR. CAHNOVSKY: That's quite possible. I am
14 afraid I don't have an exact answer of over time what
15 the erosion rate of the clay in that area would be.
16 With the documentation submitted, it would -- it
17 appears that that clay is about twelve feet deep.

18 MRS. WILLIAMS: My name is Jenny Williams, and I
19 would like to know this question here, on here it says
20 water in the inlet ditch can enter the pond in two
21 methods. There is two ways to come in. Now, is that
22 tested on both ends of that as it is going in? I
23 don't understand that.

24 MR. PERZAN: Excuse me, ma'am. What document are
25 you referring to?

1 MRS. WILLIAMS: I don't know. I am reading this.

2 I am reading this one, the one you just gave us.

3 MR. PERZAN: The February 10th letter.

4 HEARING OFFICER KING: Respondent's Exhibit 2 she
5 is talking about?

6 MR. PERZAN: Yes, Respondent's Exhibit Number 2.

7 HEARING OFFICER KING: Okay.

8 MRS. WILLIAMS: It just states water in the inlet
9 ditch can enter the Pond #2 in two methods. If it is
10 entered in two different directions, is it tested in
11 all these directions? This might have been a good
12 question for the Shell men, wouldn't it?

13 MR. CAHNOVSKY: This letter is in response to an
14 inspection that we did, or I should say a site visit
15 back on January 21st, and at that time we were
16 discussing where the best place to take the sample for
17 the influent to Pond #2. And, apparently, Mr.
18 Petersen was answering that there is two places, two
19 ways this could get into the ditch. But it is my
20 understanding that there is only one area right now
21 where the influent to the ditch is entering, and that
22 is through the 36 inch culvert that crosses -- I guess
23 from the biological treatment it goes to a manhole.
24 From that manhole it goes into the inlet ditch. And
25 to my knowledge, that is what they are using

1 currently, and where they are sampling from.

2 MRS. WILLIAMS: It states here that it is 70
3 feet. Is that how long the ditch is or how long is
4 that? Approximately 70 feet from the east boundary.
5 Or is that the culvert?

6 MR. CAHNOVSKY: I believe they are referring to
7 the culvert in that sentence.

8 MRS. WILLIAMS: All right.

9 HEARING OFFICER KING: Are there anymore
10 questions? Mr. Rao, do you have some questions?

11 MR. RAO: Yes, I have a couple of questions. Mr.
12 Cahnovsky, you mentioned this fill material and
13 construction debris. Now, is that located beneath the
14 clay or is it along the sides of the ditch?

15 MR. CAHNOVSKY: It is my understanding that from
16 the approximate elevation of the ditch, which is
17 around 432 mean sea level, which would be about the
18 top of the ditch, and the top of the pond, to about
19 426 or so mean sea level, there is a fill layer. And
20 the boring logs show anywhere from one to four feet of
21 fill layer in certain areas around the ponds.

22 MR. RAO: So was your concern anything to do with
23 the lateral migration?

24 MR. CAHNOVSKY: Yes, there would be a concern due
25 to lateral migration of contaminants in the fill.

1 These borings records are found in Attachment 79 of
2 the MTR waiver that is part of the petition.

3 MR. PERZAN: Actually, that is Attachment 9 to the
4 petition.

5 HEARING OFFICER KING: Okay.

6 MR. RAO: What is your position with regards to,
7 you know, placing a liner on the ditch? Do you
8 believe that the liner would be protective of the
9 groundwater, or what is the Agency's position with
10 regard to the liner for the ditch?

11 MR. CAHNOVSKY: We will evaluate that as part of
12 the permitting process to determine whether a liner is
13 the best option for this ditch.

14 MR. RAO: So that is not something that is part of
15 the adjusted standard? When you say, you know, you
16 are going to evaluate it as part of the permitting --
17 because concerns have been raised about the inlet
18 ditch, and I just want to make sure what your position
19 is so that the Board has something to rely on, what
20 the Agency feels about the inlet ditch.

21 If you cannot answer this question right now that
22 is fine. You can send something in writing also to
23 help the Board if you want to take time to evaluate
24 this.

25 MR. PERZAN: Yes, that may be best. Our most

1 comprehensive response could be done in comments. We
2 will address that question.

3 MR. RAO: Another question about this inlet ditch
4 is in your response to Wood River's petition on page
5 four, you mention that the inlet was not, you know,
6 tested for the possibility of any hazardous material
7 remaining in the ditch. And I think that -- let me
8 see. You recommended that Shell produce any existing
9 data about the hazardous materials being removed from
10 the ditch, or being present in the ditch. Have you
11 received any such data from Wood River Refining
12 Company so far?

13 MR. CAHNOVSKY: If your question is has -- have
14 they submitted data about the hazardous
15 characteristics of the sludge within the ditch?

16 MR. RAO: Yes.

17 MR. CAHNOVSKY: Yes, this morning I received a
18 copy of a document called the Pond #2 inlet ditch
19 sampling, in which three samples were taken of the --
20 I would have to look back again, because I knew they
21 couldn't take one sample because of some rocks. I
22 don't know if it was a soil sample or sludge sample,
23 but there were samples taken of the sludge within the
24 ditch.

25 HEARING OFFICER KING: For the record I will note

1 that that document is Attachment C to Petitioner's

2 Exhibit Number 4.

3 MR. RAO: So would the Agency be evaluating this
4 information and providing comments to the Board as to
5 what --

6 MR. PERZAN: If you would like us to we could.

7 MR. RAO: It could be helpful, because you raise
8 this issue about concerns about the ditch being not
9 tested previously. So it could help us to know.

10 MR. PERZAN: Yes.

11 HEARING OFFICER KING: Does anyone else have any
12 questions for the Agency?

13 MS. CAMPBELL: I am Sarah Campbell. Are those the
14 same samples in this report here that has been given
15 to us?

16 HEARING OFFICER KING: What was your name, ma'am?

17 MS. CAMPBELL: Sarah Campbell.

18 HEARING OFFICER KING: Thank you.

19 MR. CAHNOVSKY: Is what you have labeled
20 Attachment C in the ditch sampling report of November
21 of 1998?

22 MS. CAMPBELL: Yes, sir.

23 MR. CAHNOVSKY: Yes.

24 MS. CAMPBELL: Okay. Thank you.

25 HEARING OFFICER KING: I have one question. Mr.

1 Perzan, is it the Agency's position that the disputed
2 last sentence in the proposed adjusted standard adds
3 something beyond what the law already requires?

4 MR. PERZAN: Well, I would refer to our response,
5 and I would add that, no, it isn't our position that
6 it adds anything. That it articulates what is already
7 required in the adjusted standard.

8 HEARING OFFICER KING: Okay. Thank you.

9 All right. If there are no further questions for
10 the Agency, and if anyone else here wants to make a
11 statement on the record you can do that at this time.
12 If you want to put in factual information, you need to
13 be sworn in by the court reporter. If you just want
14 to give your opinion about anything you have heard,
15 you can just make that statement on the record. Also,
16 you can file written comments with the Board after
17 this is over. Yes, Mr. Dhue.

18 MR. DHUE: I still have a question. They know
19 there is hydrocarbons in our area that extend from the
20 testing location on Shell's property 5,000 feet north
21 and south and 8,000 feet east and west. Now, that's a
22 long ways for hydrocarbons. What I would like to know
23 is how thick that is, if that's possible. They say
24 they are doing a great job on testing the groundwater
25 and that. And if they are, they should know how thick

1 that pollutant is.

2 HEARING OFFICER KING: To whom are you posing that
3 question?

4 MR. DHUE: To Shell.

5 MR. BREWSTER: This is Joe Brewster from Shell.
6 We provide semi-annual reports to the Agency as a
7 result of the requirements on the RCRA permits which
8 delineate the locations of the plume and the thickness
9 of the plume. That data resides with the Agency.

10 HEARING OFFICER KING: Just to follow-up on that,
11 Mr. Perzan, if you know, does that information or are
12 those documents things that Mr. Dhue could get from
13 the IEPA's offices in Springfield?

14 MR. PERZAN: Anything that has been submitted to
15 us by Shell is a report that -- you could request that
16 under the Freedom of Information Act. If you would
17 like to know how to get it, I can tell you later and
18 give you the address.

19 MR. DHUE: Okay.

20 MR. WILLIAMS: I would like to ask this question
21 of Mr. Brewster. This would be a hardship, I guess, I
22 understand, if Shell put this liner in and had to redo
23 this pond and put this liner in the ditch or culvert,
24 whatever they need, sewer pipe. It is a hardship, I
25 know. But Shell had another hardship just a few

1 months ago when they took a tax break out of this
2 county for about \$3 million bucks. I figured it would
3 help them out when the taxpayers picked up the load.
4 Does he still feel like this would be a hardship
5 to them, fixing this liner in this pond if it would
6 help the environment and the ditch? Or are they more
7 interested in spending \$350 million dollars for a new
8 power plant? I think helping the citizens of Madison
9 County should come first. Would you answer that
10 question?

11 MR. BREWSTER: Again, we believe that the total
12 replacement of Pond #2 by a tank based biological
13 treatment system at a cost of what we estimate to be
14 \$32 million dollars would be totally disproportionate
15 to any benefit that there would be. The other sub
16 issue in that whole thing is the lining of the inlet
17 ditch. And we have estimated the cost of that at
18 \$400,000.00. That physically could be done with the
19 system in service, we believe. We have taken a
20 preliminary look at that. But, again, we don't think
21 it is necessary because the treatment system itself
22 will keep contaminants from getting into the inlet
23 ditch. We think the controls we have in place and how
24 the treatment system operates, we can prevent that.

25 MRS. DHUE: Can I ask Mr. Brewster a question?

1 That is also -- is that pond not near your sulfur
2 plant?

3 MR. BREWSTER: Please repeat.

4 MRS. DHUE: Is that pond not near your sulfur
5 plant?

6 MR. BREWSTER: That is correct.

7 MRS. DHUE: All right. How can you keep the pond
8 from getting polluted? Before you put your privacy
9 fence up you can drive down Rand Avenue and there was
10 just chunks of green stuff laying all over the ground
11 over there. How can you feel like this ditch will
12 never be contaminated when you have that on top your
13 soil and that might run into it anyway.

14 MR. BREWSTER: Well, I think the point at issue
15 here is whether benzene at levels greater than half a
16 ppm would ever enter that ditch. Again, we have
17 designed that system to remove that benzene before the
18 wastewater would enter that ditch. And we feel we can
19 be sure that the biological treatment system will
20 prevent that.

21 MRS. DHUE: Wouldn't it be better to line that
22 ditch rather than to take the chance of contaminating
23 our drinking water, which is not too far from there.
24 If you get the benzene in the aquifer then our
25 drinking water is contaminated. Wouldn't it be less

1 expensive in the long run to line that ditch than to

2 take the risk and chance to the public?

3 MR. BREWSTER: There is several elements in place

4 there. Again, the treatment of removing the benzene

5 before it enters the ditch we think is the best

6 solution.

7 MRS. DHUE: But that failed.

8 MR. BREWSTER: There is still the groundwater

9 water monitoring system in place which would detect if

10 there ever was a release because of this or other

11 reasons and which would trigger the implementation of

12 a corrective measure to prevent any impact.

13 MRS. DHUE: But your monitoring system to see if

14 there is benzene is already after the fact, not before

15 the fact.

16 MR. BREWSTER: That is correct and that -- the

17 basic element in place here is to remove the benzene

18 before it enters the ditch.

19 MRS. DHUE: Thank you.

20 HEARING OFFICER KING: Yes, sir.

21 MR. WILLIAMS: I have another question of Mr.

22 Brewster. This pond is over by the sulfur plant. It

23 has been known for years that it is about the lowest

24 spot in the plant. And when we have hard rains, Rand

25 Avenue is shut off. The water is two to three feet

1 deep. If that Rand Avenue has two or three feet of
2 water on it, how much is coming out of the ditches,
3 because the ditches cannot hold that. There is a very
4 poor sewer system in that area. It is in the flood
5 land.

6 MR. BREWSTER: I think the flooding that occurs on
7 Rand Avenue is totally unrelated to what happens in
8 our west property where the treatment plant is
9 located. The basic elevation there is several feet
10 higher than Rand Avenue. Rand Avenue is in a
11 depression outside of our property and the -- we don't
12 have any flooding which overflows that ditch during
13 rain storms.

14 HEARING OFFICER KING: Does anyone else want to
15 make any comments on the record?

16 MS. CAMPBELL: Mr. Brewster, can you guarantee
17 that there will be no ground contamination in the
18 future, guarantee?

19 MR. BREWSTER: I don't think anyone can guarantee
20 that. The Agency and regulators have formulated
21 regulations which we follow closely to detect if that
22 ever happened and prevent it from happening, and if it
23 ever did happen then remediate it to protect the
24 public.

25 MS. CAMPBELL: Mr. Brewster, can you give me an

1 approximate count of individuals that live in the
2 south Roxana area, the population count, what you
3 think it is?

4 MR. BREWSTER: I don't know exactly what it is. I
5 would estimate 3,000 to 4,000, but I don't know.

6 MS. CAMPBELL: Thank you.

7 HEARING OFFICER KING: Does anyone else have any
8 comments? I would like to stress that at this point
9 that this is your chance to put your views in the
10 record. Before when the Agency was -- or the
11 petitioner's witnesses were testifying, several people
12 wanted to make general statements on what they thought
13 about Shell and what was going on. At that time I
14 said we are restricted to just questions to them, and
15 you will have a chance later, if you want to put what
16 you think about anything involved in this petition on
17 the record. This is your chance to do that now.

18 All right. Mr. Dhue.

19 MR. DHUE: The only thing I would like to say is
20 that anything that man creates is not perfect. It
21 does have fallacies. There are things that can
22 happen. So I really don't understand why, if they
23 have to leave this ditch open -- and I realize it
24 would save them money, but is that the only reason?
25 If that's the only reason that they want to keep this

1 open, then I think they are wrong. I think they are
2 wrong for the very simple reason that things are more
3 valuable than money. The environment is more
4 valuable. Human life and animal life is more
5 valuable. And what you leave your grandchildren and
6 your great grandchildren in the future is more
7 valuable than money. So to me to say that's the only
8 reason they want to keep that thing open, that is not
9 a valid reason. Thank you.

10 HEARING OFFICER KING: Thank you. Does anyone
11 else have any comments to put on the record?

12 All right. In that case, I would like to say that
13 often Members of the Board attend these meetings and
14 wanted to be here today, but today is the date of a
15 scheduled Board meeting in Chicago, and they all had
16 to be there for that.

17 Are we going to do another round of briefing on
18 this?

19 MR. HARRINGTON: I think a short comment period
20 would be in order to answer some of the questions that
21 were raised during the hearing.

22 HEARING OFFICER KING: How much time do you want
23 to respond to the questions that were raised today?

24 MR. PERZAN: I think we had a lot of questions,
25 too.

1 HEARING OFFICER KING: Let's go off the record for
2 a minute.

3 (Discussion off the record.)

4 HEARING OFFICER KING: Back on the record. We
5 will establish a comment period. Today is the 19th,
6 and we have the Thanksgiving holidays coming up next
7 week. So why don't we go through --

8 MR. PERZAN: December 11th is three weeks and one
9 day.

10 HEARING OFFICER KING: Is that a Friday?

11 MR. PERZAN: Yes.

12 HEARING OFFICER KING: Okay. December 11th for
13 public comments or for comments from any of the
14 participants here.

15 MRS. DHUE: Where would the comments be sent to?

16 HEARING OFFICER KING: Comments are filed with the
17 Board's office in Chicago.

18 MRS. DHUE: Like I did for the hearing?

19 HEARING OFFICER KING: Yes. The address for
20 filing public comments is mailed to the office of the
21 Clerk of the Board, Illinois Pollution Control Board,
22 100 West Randolph street, Suite 11-500, Chicago,
23 Illinois, 60601.

24 I think that takes care of everything, then. That
25 will conclude this hearing, and we look forward to

1 getting everyone's comments, and hopefully get this

2 turned around quickly after we receive them.

3 I thank you all for coming out today and

4 participating.

5 (Hearing exhibits were retained by

6 Hearing Officer King.)

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

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4 CERTIFICATE

5

6 I, DARLENE M. NIEMEYER, a Notary Public in and for
7 the County of Montgomery, State of Illinois, DO HEREBY
8 CERTIFY that the foregoing 92 pages comprise a true,
9 complete and correct transcript of the proceedings
10 held on the 19th of November A.D., 1998, at the
11 Madison County Administration Building, Edwardsville,
12 Illinois, in the Matter of: Petition of Shell Wood
13 River Refining Company for an Adjusted Standard from
14 35 Ill. Adm. Code, 725.213 and 725.321, in proceedings
15 held before the Honorable Charles A. King, Hearing
16 Officer, and recorded in machine shorthand by me.

17 IN WITNESS WHEREOF I have hereunto set my hand and
18 affixed my Notarial Seal this 3rd day of December
19 A.D., 1998.

20

21

Notary Public and
22 Certified Shorthand Reporter and
Registered Professional Reporter

23

CSR License No. 084-003677
24 My Commission Expires: 03-02-99

25

