

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

2

3

4 IN THE MATTER OF:

5

6 PROPOSED ADJUSTED STANDARD APPLICABLE AS 99-6

7 TO ILLINOIS-AMERICAN WATER COMPANY'S (Adjusted
Standard)

8 ALTON PUBLIC WATER SUPPLY REPLACEMENT

9 FACILITY DISCHARGE TO THE MISSISSIPPI

10 RIVER

11

12

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14 Proceedings held on November 30, 1999 at 9:34 a.m.,

at

15 Alton City Hall, Alton, Illinois, before the Honorable

Karen

16 Kavanagh Mack, Hearing Officer.

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21 Reported by: Darlene M. Niemeyer, CSR, RPR
 CSR License No.: 084-003677

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KEEFE REPORTING COMPANY

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(618) 277-0190

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A P P E A R A N C E S

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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BY: Lisa Moreno
Assistant Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
On behalf of the Illinois EPA

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7

KATTEN MUCHIN & ZAVIS

BY: Nancy J. Rich
Attorney at Law
525 West Monroe Street
Chicago, Illinois 60661
On behalf of Illinois-American Water Company

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9

10

and

11

ILLINOIS-AMERICAN WATER COMPANY

12

BY: Sue A. Schultz
General Counsel
300 North Water Works Drive
Belleville, Illinois 62223
On behalf of Illinois-American Water

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Company.

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W I T N E S S E S

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WITNESS

PAGE NUMBER

4

TERRY GLORIOD

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KAREN COOPER

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MARK L. JOHNSON

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DAVID F. MITCHELL

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PHIL HANRAHAN

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WAYNE FREEMAN

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DONALD MILLER

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ANNIE HOAGLAND

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R.R. CHRISTESON

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JAMES SCHREMPF

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E X H I B I T S

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

2 November 30, 1999; 9:34 a.m.)

Hearing
Illinois
Board
Supply
for an
304.124,

3 Good morning. My name is Karen Kavanagh Mack, the
4 Officer assigned to handle the present case before the
5 Pollution Control Board. We are here today in regards to
6 Docket AS 99-6, entitled In the Matter of Petition of
7 Illinois-American Water Company's Alton Public Water
8 Replacement Facility Discharge to the Mississippi River
9 Adjusted Standard from 35 Illinois Administrative Code

10 304.106 and 302.203.

9:34 11 For the record, I will note that it is approximately

appear 12 a.m. on November 30th, 1999. I will also note that there

Before I 13 to be several members of the public currently present.

14 begin, I would like to briefly explain the Board's hearing
15 process.

that 16 First, you should know that it is the Board, not me,

hearing 17 will be making the decision in this case. My job as a

and 18 officer requires me to conduct the hearing in a neutral

the 19 orderly manner so that we may have a clear transcript of

follow 20 proceedings. It is important that the Board be able to

21 the record we create here today.

credibility of 22 It is also my responsibility to assess the

ask for 23 any witnesses testifying at this hearing. At times I may

believe are 24 clarification for the record or ask questions which I

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place. 1 necessary for the Board to fully understand what is taking

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Environmental

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speak or

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case

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petitioner,

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have

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other

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hearing is

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act

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pending

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Rich?

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am an

Under the Board's procedural rules and the
Protection Act members of the public are permitted to
submit written statements at hearing. However, any person
offering testimony shall be subject to cross-examination.
Additionally, any such statements must be relevant to this
and to the issues currently before the Board.

Public comments will take place after the
Illinois-American, and the Environmental Protection Agency
presented their witnesses. I have gotten some names of
individuals who want to testify. At that time after those
persons have stepped forward I will ask if there are any
persons who would like to make a public comment.

Finally, I would caution everyone that the Board
much the same as being in court, and that we should all
accordingly and with the proper decorum.

Before we proceed any further, though, we have one
motion in this matter that needs to be resolved. Ms.

MS. RICH: Good morning. My name is Nancy Rich. I
attorney for Illinois-American Water Company, as is my
co-counsel, Sue Schultz, the General Counsel for
Illinois-American Water Company.

23 On Wednesday of last week the Illinois Environmental
24 Protection Agency, represented by Ms. Lisa Moreno, and I
jointly

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1 filed a document entitled joint motion for additional
hearing
2 date. The reason that we filed this motion is because we
have a
3 possibility of an extremely innovative new way to control
4 sediments in the upstream area and Piasa Creek area of the
5 Mississippi River watershed with which we are dealing.

6 That is why we are asking for an additional hearing
date,
7 so that the community group can implement the proposal --
the
8 Great Rivers Land Trust, who I guess Wayne Freeman is the
primary
9 member of their group that is in front of the Board here
today --
10 so that they can work with the Water Company and with the
Agency
11 in terms of developing a proposal that the Water Company
will
12 fund and the Great Rivers Land Trust will implement.

13 HEARING OFFICER MACK: Ms. Moreno, do you have a
response
14 or actually anything to add to what she said?

15 MS. MORENO: No. I mean, certainly, the Agency

supports

16 this motion. This meeting came about only a few short
days ago,

17 and the Agency is very interested in pursuing this option
and

18 will schedule meetings as soon as possible among all of
the

19 parties so that we can firm up the details of this -- as
Ms. Rich

20 said -- extremely innovative project.

21 HEARING OFFICER MACK: All right. On that note, I
will

22 grant that motion. And we have discussed additional dates
of

23 January 5th and 6th. At the end of today's hearing I will

24 continue this matter, then, to the 5th of January and into
the

7

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1 6th, if need be, to go to a second day.

2 At this time I would ask if either of the parties
have

3 opening statements. Ms. Rich?

4 MS. RICH: The Water Company would like to reiterate
that

5 the Great Rivers Land Trust proposal provides a truly
innovative

6 way to look at non point source trading concepts. The
Water

7 Company, through its consultant, ENSR, has performed an
extremely
8 detailed study, probably the most detailed study you will
find
9 pertaining to environmental impacts of the public water
supply
10 facility discharge on the Mississippi River. And that
study
11 documented very conclusively, in our opinion, that there
are
12 absolutely no water quality concerns pertaining to that
13 discharge.

14 But given the nature of the Great Rivers Land Trust
15 proposal, it is just really an interesting and challenging
16 concept to look to obtain reductions elsewhere in the
watershed
17 at a significantly reduced cost, as opposed to what the
Water
18 Company would be paying to essentially put these solids in
19 storage lagoons and then have to use mechanical dewatering
20 equipment to dry them out and then put them in a landfill
where,
21 in essence, they are just wasting valuable landfill space.

22 It is also important to note on the record today
that the
23 proposal that Great Rivers has presented to us appears to
be
24 completely consistent with the U.S. EPA's anticipated
total

1 maximum daily loading limits or TMDL policies. And that
is very
2 important for the future. This is not something that the
Water
3 Company is required to deal with at this point, but even
though
4 there is no regulatory requirement, it is just the right
thing to
5 look at this innovative proposal right now. That's all I
have.

6 HEARING OFFICER MACK: Ms. Moreno?

7 MS. MORENO: Yes. Thank you. I am Lisa Moreno,
attorney
8 for the Illinois EPA.

9 Initially, when we filed our response to the Water
10 Company's petition, we did not support their request to be
able
11 to discharge without treatment. And we believe that the
12 technology exists for them to treat. However, having said
that,
13 since the meeting that we had and the proposal that was
made, we
14 are enthusiastically looking at this opportunity to try
out
15 something, to be honest with you, that is new for us, too.

16 And as I said before, we will be having a series of
17 meetings at which the people from the Land Trust, the
people from
18 Illinois-American, and our people, including the Planning
Section
19 that has had a certain amount of experience with non point
source

20 remediation, basically, will sit down and put together a
plan
21 which will achieve reductions that would be greater than
those
22 that we would get from having Illinois-American treat.

23 And I would like to say that we have had our
preliminary
24 discussions and we have explained some of our requirements
that

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1 in the end this all has to go into Illinois-American's
permit and
2 they have agreed to that. So what is left, really, is
working
3 out the details. And once we work out the details we will
come
4 back here and put these details fully on the record, so
that the
5 Board and the public can understand exactly what is going
on.

6 I should say that ultimately it is the Board who
decides,
7 but I anticipate that Ms. Rich and I will be making very
positive
8 presentations to the Board. Thank you.

9 HEARING OFFICER MACK: All right. Thank you, Ms.
Moreno.

10 All right. Ms. Rich, if you would like to proceed
with

11 your case now.

12 MS. RICH: Thank you. The Water Company today has
written

13 testimony from five different people, and pursuant to a

14 conversation that I had with Ms. Moreno before the
hearing, what

15 we would like to do today, Ms. Hearing Officer, is simply
put

16 these into the record as if read, as opposed to going
through and

17 having each witness read the testimony into the record,
which

18 could take quite some time.

19 This testimony primarily, but not totally, addresses
the

20 Agency's adverse response to our petition. Because we,

21 obviously, have very strong feelings about that given the
fact

22 that the overwhelming composition of this discharge is
mud, silt,

23 and sand that came from the river in the first place. And
given

24 our environmental impact study, it simply shows no adverse

10

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1 impact.

2 But without further ado, I will just ask each of our

3 witnesses a couple of questions regarding their testimony

and

4 then move for introduction.

5 The first person that I would like to bring to the
6 attention of the Board today is Mr. Terry Gloriod, who is
the
7 president of the Illinois-American Water Company. And I
am just
8 going to ask each witness to come up, if that's agreeable
to
9 everyone.

10 HEARING OFFICER MACK: Okay.

11 DIRECT EXAMINATION

12 BY MS. RICH:

13 Q. Mr. Gloriod, I would like to ask you today if you
have
14 prepared any testimony in preparation for this hearing?

15 A. Yes, I have.

16 Q. And do you have a copy of that testimony with
you?

17 A. I do.

18 Q. And is a copy of the testimony that you are
showing me a
19 complete and accurate copy of what you have prepared?

20 A. Yes, it is.

21 MS. RICH: At this time I will show it to Ms.
Moreno.

22 MS. MORENO: Yes, I hope it is the same one that I
have.

23 MS. RICH: I hope so, too. And we move for
introduction at

24 this time.

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1 HEARING OFFICER MACK: And this is your original?

2 MS. RICH: Yes. It is not signed. Would you like
the
3 witness to sign it at this time?

4 HEARING OFFICER MACK: Yes.

5 MS. RICH: Okay.

6 Q. (By Ms. Rich) If you will sign it at this time.

7 A. Where?

8 Q. There on the last page.

9 A. (The witness signing document.)

10 HEARING OFFICER MACK: I just realized that we
didn't swear

11 him in also. Even though the testimony is being admitted
as

12 written, we need to swear him in. I am sorry.

13 (Whereupon the witness was sworn by the Notary
Public.)

14 HEARING OFFICER MACK: Mr. Gloriod, was this
prepared or

15 reviewed by you before you signed this document.

16 THE WITNESS: Yes.

17 HEARING OFFICER MACK: All right. Then I will admit
it

18 into exhibit list as Exhibit Number 1.

19 MS. RICH: Yes, please.

20 HEARING OFFICER MACK: All right.
21 (Whereupon said document was duly marked for
purposes of
22 identification as Hearing Exhibit 1 and admitted
into
23 evidence as of this date.)
24 MS. RICH: Our next witness is Karen Cooper.

12

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1 HEARING OFFICER MACK: Actually, do you have
questions of
2 the witness?
3 MS. MORENO: No.
4 HEARING OFFICER MACK: All right.
5 (Whereupon the witness was sworn by the Notary
Public.)
6 K A R E N C O O P E R,
7 having been first duly sworn by the Notary Public, and
saith as
8 follows:
9 DIRECT EXAMINATION
10 BY MS. RICH:
11 Q. Ms. Cooper, could you please state your title for
the
12 record.
13 A. I am the Manager of the Southern Division for
14 Illinois-American Water Company.

15 Q. And, Ms. Cooper, did you prepare any testimony
for the
16 hearing today?
17 A. Yes, I did.
18 Q. And do you have a copy of that testimony with
you?
19 A. Yes, I do.
20 Q. And is the copy that you have with you a complete
and
21 accurate copy of what you prepared?
22 A. Yes, it is.
23 Q. And you are going to sign that testimony here for
us
24 today?

13

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1 A. Yes. The last page?
2 Q. Yes, the last page, please.
3 A. Okay.
4 Q. And you reviewed this testimony before you are
signing
5 it?
6 A. Yes, I have.
7 Q. All right.
8 A. (The witness signing document.)
9 MS. RICH: Ms. Moreno, do you have a copy of Karen's

10 testimony?

11 MS. MORENO: Yes, I do.

12 MS. RICH: All right. At this time I will move for
the

13 admission of Karen H. Cooper as Plaintiff's Exhibit Number
2.

14 HEARING OFFICER MACK: All right. Do you have any
15 objection?

16 MS. MORENO: No.

17 HEARING OFFICER MACK: Then I will admit the written
18 testimony of Ms. Cooper as Exhibit Number 2 in the
petitioner's
19 case

20 (Whereupon said document was duly marked for
purposes of

21 identification as Hearing Exhibit 2 and admitted
into

22 evidence as of this date.)

23 MS. RICH: The next person I would like to call is
Mark L.

24 Johnson.

14

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1 (Whereupon the witness was sworn by the Notary
Public.)

2 M A R K L. J O H N S O N,

3 having been first duly sworn by the Notary Public, and

saith as

4 follows:

5 DIRECT EXAMINATION

6 BY MS. RICH:

7 Q. Mr. Johnson, will you please state your title for
the
8 record?

9 A. Vice President of Engineering, Illinois-American
Water
10 Company.

11 Q. Mr. Johnson, did you prepare any testimony for
the
12 record here today?

13 A. Yes.

14 Q. And do you have a copy of that testimony with
you?

15 A. Yes.

16 Q. Is that a true, complete and accurate copy of the
17 testimony and exhibits that you prepared?

18 A. Yes.

19 Q. And will you sign that testimony here for us
today, at
20 the last page?

21 A. Yes. (The witness signing document.)

22 MS. RICH: Thank you. Ms. Moreno, do you have a
copy of
23 the testimony of Mr. Johnson?

24 MS. MORENO: Yes, I do.

1 MS. RICH: Then at this time I will move for the
admission
2 of the testimony of Mark L. Johnson as Plaintiff's Exhibit
Number
3 3.

4 HEARING OFFICER MACK: Ms. Moreno, any objection?

5 MS. MORENO: No.

6 HEARING OFFICER MACK: I will except Exhibit Number
3 for
7 Petitioner as Mr. Johnson's written testimony

8 (Whereupon said document was duly marked for
purposes of
9 identification as Hearing Exhibit 3 and admitted
into
10 evidence as of this date.)

11 MS. RICH: Thank you. Then our fourth witness is
David F.
12 Mitchell.

13 (Whereupon the witness was sworn by the Notary
Public.)

14 D A V I D F. M I T C H E L L,
15 having been first duly sworn by the Notary Public, and
saith as

16 follows:

17 DIRECT EXAMINATION

18 BY MS. RICH:

19 Q. Dr. Mitchell, could you please state your
position for

20 the record?

21 A. Yes. I am a Senior Ecologist with ENSR
Consulting and

22 Engineering.

23 Q. Dr. Mitchell, could you please provide the Board
just a

24 brief summary of your position in this case?

16

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1 A. Yes. I provided services to the Company to
provide a

2 site specific impact study evaluating the potential
environmental

3 impacts of the discharge as well as looking at the
engineering

4 feasibility of alternative treatments.

5 Q. And did you prepare any documents as a result of
that

6 work?

7 A. Yes, I did. It was the site specific impact
studies

8 admitted as part of the petition.

9 Q. Thank you. Did you prepare any testimony, Dr.
Mitchell,

10 for this hearing today?

11 A. Yes, I did.

12 Q. Do you have a copy of that testimony?

13 A. Yes, I do.

14 Q. And is the copy of the testimony that you are
holding a

15 complete and accurate copy of what you prepared?

16 A. It is.

17 Q. Would you be able to sign that here for us today?

18 A. Yes. (The witness signing document.)

19 Q. All right. Thank you.

20 MS. RICH: Ms. Moreno, do you have a copy of Dr.
Mitchell's

21 testimony?

22 MS. MORENO: Yes.

23 MS. RICH: At this time I will move for admission of
the

24 testimony of David F. Mitchell, Ph.D., as Plaintiff's
Exhibit

17

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1 Number 4.

2 MS. MORENO: No objection.

3 HEARING OFFICER MACK: All right. Do have you any
4 questions of this witness?

5 MS. MORENO: No.

6 HEARING OFFICER MACK: All right. Then I will
accept

7 Petitioner's Exhibit Number 4, the testimony of David F.

8 Mitchell, Ph.D.

9 (Whereupon said document was duly marked for
purposes of
10 identification as Hearing Exhibit 4 and admitted
into
11 evidence as of this date.)
12 MS. RICH: We do have written testimony from one
additional
13 witness, and that is Mr. Schrempf, who will not be able to
be
14 with us for about another 50 minutes. At this time I
would
15 request the indulgence of the Board to delay the
introduction of
16 this testimony until Mr. Schrempf arrives.
17 HEARING OFFICER MACK: Any objection, Ms. Moreno?
18 MS. MORENO: No.
19 HEARING OFFICER MACK: All right. Then we will
delay that
20 until he arrives, or if we are in the middle of the
Agency's
21 presentation, then we will just wait at that time.
22 MS. RICH: Thank you. With the exception of the
deferral
23 of Mr. Schrempf's testimony, we have no further testimony
to
24 present today.

1 HEARING OFFICER MACK: All right. Then Ms. Moreno.

2 MS. MORENO: The Agency has no testimony to present
today.

3 We received the written testimony of the Water Company
just this
4 morning, and as Ms. Rich indicated, it addresses -- her
client's
5 testimony addresses issues which we raised which may well
no
6 longer be at issue at all with us.

7 So what we would like to do instead is to take this
back
8 and consider it during our negotiations and then come back
on the
9 next hearing date with any questions or clarifications
that we
10 might have. And also at some point we will be amending
our
11 recommendation to the Pollution Control Board, so that it
would
12 be -- it would be premature today. We would just get into
13 arguments that are going to go away anyway. So we would
prefer
14 to defer to our testimony until the January hearing, at
which
15 time we will present testimony especially on the plan for
Piasa
16 Creek and any other issues that are still remaining in
this case.

17 Thank you.

18 HEARING OFFICER MACK: All right. Then before I
proceed to

19 public comments, I would also like to recognize that a
member of
20 the Board staff, John Knittle, also a Hearing Officer, is

21 present.

22 All right. Then on to public comments. The first
person
23 who has indicated that they would like to present a public
24 comment is Mayor Pro Tem, Phil Hanrahan. If you would
like to

19

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1 step forward. You can sit if you would like or you stand.
You
2 will be sworn in by our court reporter.

3 MR. HANRAHAN: The custom has not been to read the
letter
4 into the record. This is very short one.

5 HEARING OFFICER MACK: You can, certainly. We will
still
6 need to swear you in for the record.

7 (Whereupon the witness was sworn by the Notary
Public.)

8 MR. HANRAHAN: For the benefit of the audience, this
is a
9 letter that carries the Mayor's signature and it is from
his
10 office. I have discussed this with him, and it involves
the
11 hearing today. And it is to those who may be concerned.

12 The City of Alton strongly supports the allowance of
direct

13 discharge at the new Illinois-American Water Plant in
Alton.
14 This is due to clear and numerous benefits it will provide
for
15 our citizens. The primary benefit is the cost savings
direct
16 discharge will yield versus on site treatment. Not only
would
17 construction costs rise, but annual operating expenses
also
18 increase.
19 Secondly, safety is a great concern. On site would
require
20 heavy truck traffic to pass by Alton's Piasa Park,
thereby,
21 threatening the safety of visitors to this unique area
landmark.
22 Finally, adjoining property owners have objected. We
concur that
23 the lagoons would generate a nuisance for the neighboring
24 residential area.

20

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1 Therefore, due to the above stated reasons, the City
of
2 Alton cordially requests that the State of Illinois grant
3 permission for a direct discharge to the Illinois-American
Water
4 Company. And it bears my signature, as Mayor Pro Tem.
And may I

5 enter it into the record?

6 HEARING OFFICER MACK: Certainly.

7 (Whereupon said document was duly marked for
purposes of
8 identification as Public Comment Exhibit 1 and
admitted
9 into evidence as of this date.)

10 HEARING OFFICER MACK: Ms. Rich or Ms. Moreno, do
you have
11 any objections or questions?

12 MS. RICH: No objections or questions.

13 MS. MORENO: No, not at all.

14 MR. HANRAHAN: Thank you.

15 HEARING OFFICER MACK: Thank you, Mr. Hanrahan. The
next
16 person that has indicated that they have a public comment
they
17 would like to make is Mr. Wayne Freeman.

18 (Whereupon the witness was sworn by the Notary
Public.)

19 MR. WAYNE FREEMAN: The Great Rivers Land Trust is a
20 charitable non-profit land trust whose mission is to own
land in
21 concentration easements in Illinois. Our focus area is
the
22 scenic corridor of what is now the meeting of the Great
Rivers
23 Scenic Byway. Our organization has protected or helped to
24 protect nearly 1,000 acres along this route over the last
five

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1 years. We are interested in preserving the integrity of
the
2 scenic corridor as well as the major watershed within our
focus
3 area.
4 We have followed the planning of the new water
treatment
5 plant currently under construction in Alton, Illinois. We
have
6 kept a watchful eye on the developments of this new plant
for
7 several years, in fact. When the Water Company was
proposing to
8 construct its new plant in Godfrey we were concerned that
the new
9 plant would significantly impact forest conditions on the
10 property, particularly if settling lagoons were required.
When
11 the new site was selected in Alton, we did not oppose the
12 decision. We worked with Illinois-American Water Company
on
13 material selection of the building and worked with the
architects
14 on the building appearance.
15 As a local environmental organization, we are
concerned
16 with the health of our major waterway, the Mississippi
River. We
17 in no way support pollution of any kind. However, we must
be

18 realistic about the need to supply our populus with a very
basic
19 need of clean, uninterrupted drinking water. The position
of our
20 board of directors was not to oppose Illinois-American
Water
21 Company's position for direct discharge into the
Mississippi
22 River in lieu of settling lagoons. We feel that the
impact to
23 the existing wooded hollow where settling lagoons would be
24 constructed combined with the need for landfilling the
sediments

22

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1 did not outweigh the negatives of direct discharge. When
we were
2 notified that a direct discharge permit was not likely, we
3 suggested that an alternative be evaluated. Great Rivers
Land
4 Trust proposes the use of offsets be utilized as a
mitigation
5 against the direct discharge allowance proposed by
6 Illinois-American Water Company.

7 We are proposing that Piasa Creek watershed be
utilized as
8 an area to address sedimentation problems entering the
9 Mississippi River. The Great Rivers Land Trust has been
working

10 with the Piasa Creek watershed conservancy for five years
in an
11 effort to reduce silt loads and pollution in Piasa Creek.
Piasa
12 Creek enters the Mississippi River five and a half miles
upstream
13 of the Illinois-American Water Company plant, and its
watershed
14 is roughly 121 square miles. There is no existing
monitoring of
15 sediments in Piasa Creek. However, it is estimated that
more
16 than 113,000 tons of sediment enter the Mississippi River
17 annually from non point sources of pollution.
18 Under the Great Rivers Land Trust proposal, the
19 Illinois-American Water Company would provide funding to
reduce
20 non point source sources of pollution within Piasa Creek
21 watershed. This will offset sediment discharged into the
22 Mississippi River from the new water treatment facility.
The
23 project, as envisioned by Great Rivers Land Trust, will be
24 multi-faceted. A copy of the detailed proposal of the
Piasa

23

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1 Creek project will be submitted as a part of this
statement. The

2 project is a ten year conservation project with the
ultimate goal

3 to significantly reduce non point sources of pollution
entering

4 the Mississippi River from Piasa Creek. The major
components of

5 the project are as follows. Watershed stewardship. The
ten year

6 project will be staffed by a project coordinator with 100
percent

7 of the individual's time committed to the project.
Additional

8 staff may be added as necessary as additional sponsors and
9 funding are brought into the project.

10 Siltation dam construction. More than 50 silt dams
will be

11 constructed over a ten year period in easement areas or
land

12 acquired through the project. Siltation dams will be
primary

13 installed in tributaries to Piasa Creek. Annual
measurements

14 will be taken to determine the amount of sediments trapped
in

15 each basin. Maintenance dredging will occur as necessary
with

16 sediments distributed to the adjacent farms.

17 Education. An educational program will be developed
to

18 present to civic organizations and landowners along the
creek.

19 News releases will be delivered to the media and semi-
annual news

20 reports will be circulated in the Great Rivers Newsletter.

21 Land protection. The heart of the project includes

annual

22 land and easement acquisition along the Piasa Creek and
its
23 tributaries. Land will be acquired from key areas from
willing
24 sellers. Properties and easements will be surveyed and
marked

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1 and where appropriate siltation swales will be constructed
and
2 monitored for sediment collection.

3 Stream bank protection. Many stretches of Piasa
Creek and
4 Rocky Fort Creek have signs of severe stream bank erosion.
A

5 variety of stream bank stabilization measures will be
conducted
6 on willing landowners' properties. Generally willow posts
will
7 be laid in eroded areas.

8 And, finally, monitoring. Monitoring will take
place
9 regularly during the work and conducted to establish
baseline
10 information. Monitoring will be conducted also throughout
the
11 life of the project. Great Rivers Land Trust proposes to
12 administer the Piasa Creek watershed project as a part of
the

13 condition of Illinois-American Water Company's discharge
permit.
14 We will endeavor to successfully work out details of the
project
15 with both the Illinois Environmental Protection Agency and
the
16 Illinois-American Water Company before January of 2000.
17 To accomplish the above tasks which will ultimately
provide
18 sediment reductions in excess of the direct discharge of
19 Illinois-American Water Company, the project, as
envisioned,
20 would require a base funding amount of \$415,000.00
annually over
21 a ten year period. The Illinois-American Water Company
has
22 generally agreed to this condition. The Great Rivers Land
Trust
23 would seek technical and cooperative assistance from the
United
24 States Department of Agriculture, the Illinois
Environmental

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1 Protection Agency, the Illinois Department of Natural
Resources,
2 the U.S. Army Corps of Engineers, and the respective
county soil
3 and water districts. It is anticipated that substantial
funding

Piasa
4 from other sources would be found to further enhance the
5 Creek Watershed project and provide greater sediment load
6 reduction within the watershed. Our organization feels
this is a
7 win-win proposal. By developing an offset project, we are
8 addressing in this case the real problem of sedimentation
within
9 the polluted water body, which is non point source
pollution
10 entering from a major tributary. The project will provide
more
11 sediment reduction in Illinois-American Water Company's
12 contributing back into the river, unsightly settling
lagoons will
13 not have to be constructed along the Scenic Byway and
public
14 water users will be less affected. And Illinois-American
Water
15 Company will not be trucking sediments to landfills.
That's it.

16 HEARING OFFICER MACK: Thank you. Ms. Rich, do you
have
17 any questions of Mr. Freeman?

18 MS. RICH: No, I have no questions at this time.

19 HEARING OFFICER MACK: Ms. Moreno?

20 MS. MORENO: No, not at this time.

21 HEARING OFFICER MACK: Thank you. Mr. Freeman, just
one
22 moment. I just want to indicate for the record Mr.
Freeman has
23 handed me the letter that he just read, and he would like
to

24 enter that as an exhibit. Ms. Rich, do you have any
objection?

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1 MS. RICH: No.
2 HEARING OFFICER MACK: Ms. Moreno?
3 MS. MORENO: No.
4 HEARING OFFICER MACK: All right. Then I will enter
that
5 as Public Comment Number 2.

6 (Whereupon said document was duly marked for
purposes of

7 identification as Public Comment Exhibit 2 and
admitted
8 into evidence as of this date.)

9 HEARING OFFICER MACK: At this time I would ask if
there
10 are any other members of the public that would like to
make a
11 comment? If so, step forward, please. If you could state
your
12 name, and then the court reporter will swear you in.

13 MR. DONALD MILLER: Good day. My name is Donald
Miller. I
14 represent the River Bend Growth Association, a public
private
15 partnership representing 13 communities and 600 businesses
in
16 this area.

17 HEARING OFFICER MACK: Okay. Could you swear in the
18 witness.

19 (Whereupon the witness was sworn by the Notary
Public.)

20 MR. DONALD MILLER: The Board of Directors of the
River
21 Bend Growth Association has voted to oppose any proposal
which
22 would require the creation of lagoons or settling ponds by
the
23 Illinois-American Water Company in the area of the Great
River
24 Road, one of America's recently designated National Scenic

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1 Byways. Such a proposal, besides being inappropriate for
the
2 area, would create excessive truck traffic on the Scenic
Byway,
3 create potential traffic hazards, and increase taxpayers
expense
4 for the operation of the facility. It is signed by myself
on
5 behalf of the Board on November 30th, 1999. I would like
to
6 enter this into the record.

7 HEARING OFFICER MACK: Thank you. Ms. Rich, do you
have
8 any objections?

9 MS. RICH: No objections.
10 HEARING OFFICER MACK: Ms. Moreno?
11 MS. MORENO: No.
12 HEARING OFFICER MACK: Thank you very much. Oh, I
am
13 sorry. Ms. Rich, do have any questions of Mr. Miller?
14 MS. RICH: No.
15 HEARING OFFICER MACK: Ms. Moreno?
16 MS. MORENO: No.
17 HEARING OFFICER MACK: Then I will enter the letter
in as
18 Public Comment Number 3.
19 (Whereupon said document was duly marked for
purposes of
20 identification as Public Comment Exhibit 3 and
admitted
21 into evidence as of this date.)
22 HEARING OFFICER MACK: Are there any other members
of the
23 public who would like to comment? If you would like to
approach,
24 please, and state your name for the record.

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1 MS. HOAGLAND: I am Annie Hoagland, H-O-A-G-L-A-N-D.
2 (Whereupon the witness was sworn by the Notary
Public.)

3 HEARING OFFICER MACK: All right. Go ahead.

4 MS. HOAGLAND: I am the Chair of the Alton Lake
Heritage
5 Parkway Commission. I would like to give you a little bit
of the
6 background of the area. I have 30 years as being a
7 conservationist in the area, and there are three
organizations
8 that are really part of your subject matter today that
have an
9 interest in this that I would like to tell you about. I
guess I
10 will read part of this and then give it to you. The Alton
Lake
11 Heritage Parkway Commission was created by the Illinois
General
12 Assembly at Public Law 86-1489, as amended in 1992 by the
13 Illinois General Assembly. They were created to do a land
14 management plan in the river corridor.

15 The group known as the Alton Lake Heritage Parkway
16 Commission was also created and it was composed of
voluntary
17 citizens appointments by mayors, township supervisors and
county
18 board chairmen in two counties and four towns. Under
Section 102
19 of the Alton Lake Heritage Parkway Law, the Illinois
General
20 Assembly finds that the Mississippi River from Alton to
Grafton
21 is recognized as the most beautiful portion of the entire
river.
22 In accordance with the Alton Lake Heritage Parkway Law,
the

23 commission produced a land management plan using over
\$250,000.00
24 of pro bono services donated by many professionals in the
region.

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1 This plan was approved for implementation by the Illinois
General
2 Assembly. They made three large recommendations after two
years
3 of inventorying and studying the resource. And these
4 recommendations were that the Great Rivers Land Trust be
formed
5 and the Piasa Creek Watershed Conservancy be formed and
the
6 Meeting of the Great River Scenic Byway be developed.

7 I am going to tell you about a couple of these.
Wayne told
8 you about Great Rivers. The Piasa Creek Watershed
Conservancy
9 was identified as a need out of over 40 public meetings.
It was
10 one of the primary concerns along this stretch of the
river.
11 Piasa Creek Watershed covers three counties and drains
over
12 70,000 acres, and it is a part of the unique 20,000 acre
forest
13 that we have along the Mississippi River. It is the last

14 tributary of the Mississippi River before the Missouri
River
15 confluence. And it is Alton Lake's main contributor of
sediment
16 upstream of the intake for the Illinois-American Water
Company.
17 It is comprised of both urban and agricultural problems,
and the
18 water quality is such that it doesn't provide the type of
19 recreation anymore that it used to provide for people.
The water
20 quality conditions are, in fact, horrible and especially
in the
21 lower regions of the creek. The Piasa Watershed
Conservancy was
22 formed by landowners, technical advisors and all sorts of
people
23 interested in the creek. They met and they came up with
all of
24 the problems and then they came up with solutions for
those

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1 problems along the watershed. For many years we have
tried to
2 find funding to implement those solutions, but so far we
have not
3 been able to find the funding, and this mitigation
addresses a
4 lot of the needs that we identified, you know, during the
last

5 ten years, I guess, along the Piasa Creek.

6 The Meeting of the Great River Scenic Byway is
another
7 entity that is involved in this whole thing, and it is
part of
8 the backdrop of what you are considering. I think when
you
9 consider the environment you can't consider anything in
10 isolation, because everything is part of something else
and
11 especially water quality. The Alton Lake Heritage Parkway
12 Commission also began the process that resulted in the
federal
13 designation of the Meeting of the Great River Scenic
Byway. This
14 was accomplished to promote tourism and boost the economic
base
15 of the six towns along the Byway and to help manage the
resources
16 of the Byway. It was also done to obtain funding for the
17 management of cultural and natural resources of the Byway.

18 One of the major complaints that we still have not
19 addressed is the Scenic Byway was one of the complaints
that we
20 had, you know, for the last ten years as the commission
listened
21 to the public and that was that we have too much truck
traffic,
22 and we want to eliminate truck traffic to some extent
along the
23 Great River Road. So since the early 1990s we have been
looking
24 at ways to cut down on truck traffic. And if Illinois-
American

1 takes out the forest and puts in lagoons and does
trucking, that

2 is going to go the opposite direction than what we have
been

3 trying to do for years and years, and that is eliminate
some of

4 this traffic.

5 So we are hoping that, you know, that problem could
be

6 solved in addition to the water quality problem. And kind
of as

7 a local historian, I think that allowing them to discharge
back

8 into the river as they have been doing for I guess 100
years, I

9 think it is in the best interest for the community. It
solves a

10 couple of major problems that we have had with our
management

11 plan along the whole entire region along the river.

12 I think that it is in the best interest of the
community to

13 not take the trees out and build lagoons and bother old
14 neighborhoods that are up in the bluffs. And the
potential for

15 good -- you know, if they are discharging a little over
3,000

16 tons annually, we are talking 113,000 tons that come out
of Piasa
17 Creek, and the potential for good is just tremendous for
this
18 mitigation project. So I think it would be a wonderful
thing if
19 this were to happen. And basically that is what I am
going to
20 turn in here.

21 HEARING OFFICER MACK: All right. I have in my hand
an
22 outline from Ms. Hoagland. She would like to admit this
into
23 evidence or into the record. Ms. Rich, do you have an
objection?

24 MS. RICH: No objection.

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1 HEARING OFFICER MACK: Ms. Moreno?
2 MS. MORENO: No.
3 HEARING OFFICER MACK: Do either of you have any
questions?
4 MS. RICH: No questions.
5 MS. MORENO: No questions.
6 MS. HOAGLAND: I have a question. If you don't put
it into
7 the record now, can you turn it in as a written statement
later
8 if you have other additional information? Is that

possible?

9 HEARING OFFICER MACK: Since you participated today,
you

10 may -- at the close of the hearing after we continue on
January,

11 we will have a public comment period at that time if you
would

12 like to add anything additionally. If you would like to
submit

13 this now you can or you can add additional information
later on.

14 MS. HOAGLAND: So if I would like to give you other

15 background documents I can turn those in later on today or
mail

16 them to you?

17 HEARING OFFICER MACK: We are going to set a public
comment

18 period but, yes, you may submit them to the Board.

19 MS. HOAGLAND: Okay. Thank you.

20 HEARING OFFICER MACK: All right. Then I will enter
this

21 in as Public Comment Number 4.

22 (Whereupon said document was duly marked for
purposes of

23 identification as Public Comment Exhibit 4 and
admitted

24 into evidence as of this date.)

1 HEARING OFFICER MACK: Are there any other members
of the
2 audience that would like to present public comment? All
right.
3 Please step forward and state your name, and then you will
be
4 sworn in by the court reporter.

5 MR. CHRISTESON: Madam Chairman, my name is R. L.
6 Christeson. I am from the second ward here. I didn't come
with a
7 prepared statement. I came because of something I saw in
the
8 newspaper.

9 HEARING OFFICER MACK: Okay. The reporter will
swear you
10 in.

11 (Whereupon the witness was sworn by the Notary
Public.)

12 MR. CHRISTESON: I saw an article in the paper,
Madam
13 Chairman, about what Illinois-American Water was doing.
And I am
14 not sure I have got the right idea, but it appears that we
have
15 granted some leeway over the years because of an old plant
and
16 allowed them to discharge their crap into our river. It
is not
17 serious. Evidently, it is not greatly toxic. But it is
18 something they have the technology and the money to
correct. I
19 am thinking if we can do the job right now and not put
anything
20 back in there that we don't want, for the people

downstream to

21 have to tolerate, why not do it.

22 I hear complaints that the lagoon does not look good
or we

23 will have trucks running around. If it breaks down to the
fact

24 that Illinois-American Water has to put in a lagoon and
hire

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1 people to maintain that lagoon, and if they have truck
residue

2 somewhere and hire truckers this is money that goes into
the

3 local area that we can all benefit from instead of some
kind of

4 savings that just goes into the pockets at corporate

5 headquarters. That is my way of looking at that
particular

6 avenue of benefit for the citizens.

7 I don't have a problem with the water. I live up
here in

8 the second ward. Some people complain about the quality
and the

9 taste and what have you. I have always got good service
and good

10 water from them. But at a time when they are making major

11 changes and spending major dollars, this would be a good
time to

12 do the job right and keep their crap out of our river. So
if

13 there is some way they can do it economically and
efficiently, I

14 don't want to break them, but there is nothing wrong with
15 spending money to do the job right if it is not cost
prohibitive.

16 So I would like to see whatever it takes to correct the
situation

17 that I have become aware of. If it creates a few more
jobs in

18 the meanwhile I say good. Thank you.

19 HEARING OFFICER MACK: All right. Ms. Rich, do you
have

20 any questions?

21 MS. RICH: No.

22 HEARING OFFICER MACK: Ms. Moreno?

23 MS. MORENO: No.

24 HEARING OFFICER MACK: All right. Thank you.

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1 MR. CHRISTESON: Thank you.

2 HEARING OFFICER MACK: All right. Do we have any
3 additional members of the audience who would like to make
a
4 public comment?

5 Okay. We are still waiting on one of the
petitioner's

6 witnesses, so I am going to take a brief recess.

7 MS. RICH: I think we need about 15 minutes.

8 HEARING OFFICER MACK: We will take 15 minutes. It
is
9 about 15 after 10:00, so let's break until 10:30, around
10:30.

10 (Whereupon a short recess was taken.)

11 HEARING OFFICER MACK: I think the witness we are
ready for

12 is here, so we are ready to go back on the record. Ms.
Rich, if

13 you would like to call your witness.

14 MS. RICH: Thank you. Our final witness is James E.
15 Schrempf.

16 HEARING OFFICER MACK: The reporter will swear you
in.

17 (Whereupon the witness was sworn by the Notary
Public.)

18 J A M E S E. S C H R E M P F,

19 having been first duly sworn by the Notary Public, and
saith as

20 follows:

21 DIRECT EXAMINATION

22 BY MS. RICH:

23 Q. Mr. Schrempf, did you prepare any written
testimony for

24 the Board for this proceeding?

1 A. I did.

2 Q. And is the copy of the testimony that you have
with you

3 a correct and accurate copy of that testimony? Or
actually I

4 believe it is the original.

5 A. Yes, it is.

6 Q. Is that your original signature on that document,
Mr.

7 Schrempf?

8 A. Yes, it is.

9 MS. RICH: At this time I will move to admit Mr.
Schrempf's

10 testimony into the record as Petitioner's Exhibit Number
5.

11 HEARING OFFICER MACK: All right. Ms. Moreno?

12 MS. MORENO: No objections.

13 HEARING OFFICER MACK: Do you have any questions of
this

14 witness?

15 MS. MORENO: No.

16 HEARING OFFICER MACK: All right. Thank you very
much. I

17 will admit this testimony as Petitioner's Exhibit Number
5.

18 (Whereupon said document was duly marked for
purposes of

19 identification as Hearing Exhibit 5 and admitted
into

20 evidence as of this date.)

21 anything else

HEARING OFFICER MACK: Ms. Rich, do you have
22 that you would like to present at this time?

23 MS. RICH: I have nothing further for the record
today.

24 HEARING OFFICER MACK: Ms. Moreno?

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1 MS. MORENO: No.

2 HEARING OFFICER MACK: Are there any other members
of the

3 public that have any comments that they would like to put
on the

4 record?

5 All right. On that note, as we have already
discussed at

6 the beginning of the hearing, we are going to continue
this

7 matter to January 5th and into the 6th, if need be. I
have,

8 during the break, spoken with the clerk's office and this
room is

9 available, so we will continue in this room on those dates
at

10 9:30.

11 As the parties have already indicated in their
opening

12 statements and in the motion that was considered this
morning,

13 they are working towards -- petitioner is working towards
the
14 amended petition and off the record we discussed that
their goal
15 was to get that in before the next date so that any
members of
16 the public could review the amended petition. If you
would like
17 to get a copy of the petition before the hearing please
contact
18 the Board and if you would like to get the number from me,
please
19 approach me after we have concluded the hearing today. On
that
20 note, I will conclude today's proceedings.

21 Oh, I am sorry. Ms. Rich?

22 MS. RICH: I am sorry. Just one more thing. We
would
23 request at this time that the hearing be continued just to
24 January 6th. It turns out the Water Company has another
hearing

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1 on a different matter scheduled on the 5th and would not
be able
2 to attend on the 5th.

3 HEARING OFFICER MACK: Ms. Moreno?

4 MS. MORENO: No problem.

5 HEARING OFFICER MACK: All right. Then instead of

9:30 6 continuing to the 5th, we will continue only to the 6th at

7 a.m. and in this room.

8 We don't have any other matters? Seeing none, I
will

9 conclude this proceeding today and continue it until
January 6th,

10 2000, at 9:30 a.m., in room 104 of the Alton City Hall.

11 For the record, it is 10:40 on November 30th of
1999.

12 Thank you very much. We stand adjourned.

13 (Hearing exhibits were retained by Hearing Officer
Mack.)

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

3 C E R T I F I C A T E

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5 the

6 that

7 correct

8 A.D.,

9 held

10 and

11 affixed

5 I, DARLENE M. NIEMEYER, a Notary Public in and for
6 County of Montgomery, State of Illinois, DO HEREBY CERTIFY
7 the foregoing 39 pages comprise a true, complete and
8 transcript of the proceedings held on the 30th of November
9 1999, at Alton City Hall, Alton, Illinois, in proceedings
10 before the Honorable Karen Kavanagh Mack, Hearing Officer,
11 recorded in machine shorthand by me.

12 IN WITNESS WHEREOF I have hereunto set my hand and
13 my Notarial Seal this 10th day of December A.D., 1999.

14

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Notary Public and
Certified Shorthand Reporter and
Registered Professional Reporter

CSR License No. 084-003677
My Commission Expires: 03-02-2003

24

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