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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

6

BUREAU OF WATER

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CAPITAL RESOURCES DEVELOPMENT COMPANY, L.L.C.
NORTH CANTON MINE
NPDES PERMIT

11

12

PUBLIC HEARING

13

(COMMENTS MADE IN THE AUXILIARY ROOM)

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TUESDAY, DECEMBER 6, 2011

19

5:00 P.M.

20

DONALDSON CENTER
250 SOUTH AVENUE D
CANTON, ILLINOIS

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23

PATKES REPORTING SERVICE
(217) 787-9314

24

REPORTER: CARLA BOEHL, CSR #084-002710

1 PRESENT:

2 KURT NEIBERGALL
3 IEPA Staff Member

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1 STATEMENT BY TRACY FOX

2 MR. NEIBERGALL: So we will go on
3 the record and you will state your name and spell it
4 for the court reporter.

5 MS. FOX: Okay. I am Tracy Fox,
6 T-R-A-C-Y F-O-X. My address is 15215 North Ivy Lake
7 Road, Chillicothe, Illinois 61523.

8 I am a lifelong activist for
9 the Illinois River. I drove down today from north
10 of Peoria because I am very concerned about this
11 mine and some of the precedents it sets for the
12 Illinois EPA.

13 I am especially concerned that
14 the Illinois EPA has spent any time whatsoever on
15 this application, in light of the fact that this
16 company is a high priority violator. They run a
17 mine in industry which has over 300 violations on
18 record. In a time of constrained resources, it
19 makes no sense for the Illinois EPA to be spending
20 time on new applications when this company is
21 incapable of managing the properties that it is
22 currently working.

23 If the Illinois EPA does not
24 have it within their jurisdiction to prioritize

1 things and work on the problems that exist, they
2 should seek relief from the Governor or the
3 Legislature.

4 I would contend that, instead,
5 this application has been pushed through, for
6 whatever reason, and it really makes no sense. As
7 someone who has worked on water pollution issues,
8 including landfill issues, including industrial
9 discharge issues and looked at other mining permits,
10 I find it especially unsettling that there is no
11 limits on TSS and iron during precipitation events.

12 And I find it very interesting
13 that the company's own documentation in their No Net
14 Increase Demonstration Document shows a .3 milligram
15 emission of manganese, and the permit is being
16 issued for one milligram manganese. To me this
17 doesn't make sense when you have a public water
18 supply, Canton Lake, that is already constrained
19 because of manganese solids and other problems, that
20 you would set a discharge limit that is three times
21 what the demonstrated existing limit is. That to me
22 is not a no net increase in pollution. That is a
23 very serious increase in pollution.

24 I also don't understand as a

1 general citizen how the Illinois EPA can recognize
2 damming up several streams, establishing ponds and
3 running all of the mine runoff storm water and other
4 fluids through that and not calling it using
5 Illinois waterways to treat wastewater. To me
6 that's exactly what it is and I do not understand
7 how this permit can go forward.

8 I would ask the EPA to please
9 look at your priorities, look at what you are
10 supposed to be doing, review this application with
11 the utmost scrutiny. The limits seem arbitrarily
12 high. There doesn't seem to be any assessment
13 whatsoever of alternative treatment regimens. There
14 is no consideration, there is no economic analysis,
15 of things like wetlands mitigation.

16 This thing has been lagging on
17 for years and years. Every year there are big
18 improvements in the technology for like
19 bio-digestion of these types of wastes in treating
20 solids, in terms of wetlands and other sorts of
21 bioremediation. And all I see is a blatant
22 assertion by the company that it is going to create
23 a burden on them. I don't see any examples of how
24 much is it going to increase the costs. I don't see

1 any examples of what specific engineering or
2 technical challenges. To me it was a very cursory
3 "we have considered the alternatives, trust us."

4 This company has a mine with
5 over 300 violations. I don't think the Illinois
6 EPA, the people of Fulton County or anyone else
7 should be trusting this company. I believe that
8 their assertions need to be backed up with evidence.
9 And if they are not, I encourage the EPA to stop
10 this application.

11 Thank you.

12 MR. NEIBERGALL: And that was in
13 the matter of the NPDES permit for the North Canton
14 Mine.

15 MS. FOX: Right.

16 STATEMENT BY ROBERT MADSON

17 MR. NEIBERGALL: We will go on the
18 record in the matter of the NPDES permit for the
19 North Canton Mine.

20 Go ahead.

21 MR. MADSON: My name is Robert
22 Madson. I live in Peoria. I am a Fulton County
23 native, and --

24 MR. NEIBERGALL: Can you spell your

1 last name, please?

2 MR. MADSON: M-A-D-S-O-N.

3 I am in support of the mine.

4 I am sure that the EPA will do what they need to do
5 to control any mine problems with runoff.

6 And that's basically all I
7 have got to say about that part of it.

8 STATEMENT BY JOE COOPER

9 MR. NEIBERGALL: So this is in the
10 matter of the NPDES permit for the North Canton
11 Mine.

12 Please go ahead.

13 MR. COOPER: My name is Joe Cooper.
14 Do you need an address?

15 MR. NEIBERGALL: If you could, yes,
16 that would be fine.

17 MR. COOPER: It is on East Brereton
18 Road, 23844 which is the, if you were familiar with
19 the map, the upper area of the East Brereton Road.

20 MR. NEIBERGALL: Could you please
21 spell your last name?

22 MR. COOPER: C-O-O-P-E-R.

23 Everybody has been saying Copper, so I expect to see
24 C-O-P-P, but that's all right.

1 Mine is kind of an addendum to
2 what's been said. And in the opening statement,
3 Mr. Arnett, did he not just revise almost the entire
4 map of the drainage? And if that's the case, this
5 is a brand new issue and should be started over.
6 It's also my understanding that the permit to mine
7 is actually under administrative review.

8 My property will be impacted
9 in that the creek, which is the northern part of
10 this area, that creek literally will flow backwards.
11 In a bad rain I have lost a lot of land. I have
12 also planted out and joined the tree program for the
13 State in order to protect as much of the land. I am
14 on the soil conservation.

15 However, I have noticed that
16 anything that goes in the creek, even though
17 downstream, in the ebb and flow of spring rains and
18 the vortexes that are formed, it will end up on my
19 land which means it will be deposited in the soil,
20 it will be picked up by lower life forms and,
21 eventually, get into all of us.

22 Also, I am in an elevation
23 above Canton Lake and all the other outflows. So
24 anything that happens to me, even though sequestered

1 so to speak in the retention ponds, is going to end
2 up in Canton Lake.

3 And I think that this permit
4 is ill-advised and I am against it.

5 MR. NEIBERGALL: Thank you.

6 STATEMENT BY KURT SKENDER

7 MR. NEIBERGALL: We will go on the
8 record in the matter of the NPDES hearing, permit
9 for the North Canton Mine.

10 Please go ahead.

11 MR. SKENDER: Do you want my name?

12 Kurt, K-U-R-T, Skender, S-K-E-N-D-E-R.

13 This exhibit shows the report
14 given to Canton citizens annually concerning the
15 water supply test results of our drinking water
16 quality.

17 MR. NEIBERGALL: Could you slow
18 down just a little bit?

19 MR. SKENDER: Okay. I am trying to
20 get it all in in two minutes.

21 MR. NEIBERGALL: Oh, no. You will
22 have more than two minutes. Don't worry.

23 MR. SKENDER: It also gives
24 information on regulations concerning Atrazine

1 application near water sources, livestock farm
2 runoff abatement, information about the Watershed
3 Planning Committee and other pertinent information.
4 When the city government goes to such measures to
5 safeguard the watershed and the lake, why would any
6 permitting agency or other government entity attempt
7 to circumvent the law?

8 Also attached is a copy of the
9 City Ordinance Number 2025 passed into law on
10 January 4, 2011, which amends certain provisions of
11 a previous ordinance. Those regulations are set
12 forth to provide legal protection to the lake and
13 campgrounds and surrounding areas from damage or
14 harm.

15 Section 8-11-14, Sanitary
16 Provisions, Line A, prohibits introduction of
17 certain elements into the lake or any water course
18 that flows directly or indirectly into the lake
19 defined in the following lines: Line 6 prohibits
20 poisonous substances; Line 7 prohibits rock, clay,
21 dirt or other solid material; Line 11 prohibits any
22 substance harmful to humans; and Line 12 prohibits
23 any substance harmful to animals.

24 Section 81 -- excuse me,

1 Section 8-11-21, Subsection H as in Henry, prohibits
2 any collection of effluent in such a manner that it
3 creates nuisance conditions.

4 If, when enforcing this
5 ordinance, a person cannot discharge sewage into the
6 lake, allow his garbage disposal to drain into the
7 lake, and prohibits the discarding of fish entrails
8 into the lake under penalty of a fine between 50 and
9 500 dollars, how can any governmental body, state
10 agency or permitting agency allow the discharge of
11 mine wastewater into the lake when such water is
12 polluted with suspended solids, minerals that are
13 harmful in large concentrations and unknown
14 pollutants from pit pumpage? If a fish head is
15 considered a pollutant to a 400-acre lake -- excuse
16 me, let me amend that to 250 acres; that would be a
17 misquote -- how can a mine be allowed to discharge
18 its waste amounting to almost a million gallons a
19 day every day into the same lake without penalty?

20 This ordinance can be enforced
21 by the lake guardian, a Canton police officer, a
22 Fulton County deputy or a state police officer.

23 There is that and all the
24 supporting documents for it.

1 MR. NEIBERGALL: So let it be shown
2 that you are submitting an exhibit for the record
3 that we don't have a number because we will have to
4 talk to the hearing officer.

5 MR. SKENDER: It has an explanatory
6 cover page.

7 MR. NEIBERGALL: Okay. Very good.
8 We will put this package into the record.

9 MR. SKENDER: Thank you. I
10 appreciate the opportunity.

11 STATEMENT BY MICHELLE WILCOXEN

12 MR. NEIBERGALL: So we are going to
13 go on the record in the matter of the NPDES permit
14 for the North Canton Mine. Please go ahead.

15 MS. WILCOXEN: Okay. My name is
16 Michelle Wilcoxen, W-I-L-C-O-X-E-N. Who am I
17 talking to here? You? You?

18 MR. NEIBERGALL: Everything you say
19 goes into the record.

20 MS. WILCOXEN: First of all, I live
21 on Cypress Road; the mine is in my backyard. I
22 oppose the mine for the following reasons.

23 We are finally moving forward
24 in Canton with growth of business which in turn

1 produces more visitors and permanent residents.
2 With the location of the proposed mine, this will
3 endanger the development of Canton with the high
4 risk of contaminated water and congestion of traffic
5 going through town. That has been proven to me from
6 the negative results of the mining industry.

7 It is ludicrous to mine so
8 close to a watershed, right in somebody else's front
9 yard and to mine too close to residents.

10 The mine did not get right in
11 industry. What makes you think that they are going
12 to get it right here? The mine's first mistake was
13 purchasing land so close to the lake. We should not
14 have to pay for that mistake. They can produce
15 income with other options such as hunting, hunting
16 ground, wind turbines, etc. And I am sick and tired
17 of being told by Greg Arnett, Bill Dodds, that there
18 is not enough wind out there. I have lived out
19 there for 39 years. There is plenty of wind. Trust
20 me. A wind farm will also provide 600 jobs compared
21 to 40 jobs, temporary 40 jobs.

22 I live out there for privacy,
23 peace and quiet. Our homes are supposed to be a
24 place of serenity, a place to find comfort, to have

1 safe water to drink and not to be damaged by a
2 mine's negligence and irresponsibility. And my
3 house is solid concrete, all right. What's going to
4 happen to my house? My house is concrete from the
5 basement to the roof. What's going to happen to my
6 house if it is damaged and who is going to fix it?
7 Who is going to give me water? I don't want Canton
8 water. I want my well water.

9 It is the IEPA's job to
10 protect the people from this, and we expect you to
11 do your job. We are honest, hardworking people who
12 are trying to get by day by day. We get our hands
13 dirty by hard work and not by greed to fill our
14 pockets with money. And is it really worth the risk
15 involved?

16 MR. NEIBERGALL: Thank you.

17 MS. WILCOXEN: That's it. Thanks
18 for listening. Whew! I feel better.

19 STATEMENT BY ANDREA HAUKE

20 MR. NEIBERGALL: We will go on the
21 record in the matter of the North Canton Mine NPDES
22 hearing.

23 MS. HAUKE: My name is Andrea Hauke,
24 A-N-D-R-E-A, Hauke, H-A-U-K.

1 And my concerns are a lot of
2 people made some very good comments. And I am not
3 affiliated with anybody. I am not -- I don't
4 understand how the coal mining company works or how
5 even -- I can't even understand those maps.

6 But what I do understand is
7 that I drink the Canton water supply, and my son and
8 my family, my grandparents, you know.

9 And as far as -- and I don't
10 understand how it works, the EPA works, as far as if
11 somebody is in violation, I heard comments about
12 they don't actually do -- you know, I mean, they
13 give the violation but they don't have the right or
14 anything to stop them. I mean, I don't understand
15 that.

16 And so what I want to know is
17 what is going to happen? I mean, they can't control
18 the weather. What's going to happen if a disaster
19 does come? And who will -- where will we get our
20 water from? Will this second water supply be enough
21 to support 20,000 people?

22 And, you know, I mean, just
23 from a -- you know, like I said, I am just a
24 normal -- you know, I go to school, I go to college

1 and I don't understand any of all this other stuff.
2 I support business in Canton. I want Canton to grow
3 as well as everybody else, but I don't think that
4 the mine is making that happen. That's something
5 that's going to last five to ten years, at the most,
6 you know, 15 years. How much coal until the coal is
7 gone and then what's going to happen to the jobs?
8 You know, I would rather there be something there
9 that is there for, you know, 20 to 30 years, 50
10 years.

11 And, you know, but my main
12 concern is the water. I don't know or understand.
13 I would hope the EPA would make the right decision,
14 and we do entrust them with out -- you know, people
15 who don't deal with that every day, and I hope they
16 vote no on the permit.

17 MR. NEIBERGALL: Thank you. Very
18 good. We will go off the record.

19 STATEMENT BY AMY ELISE ECKERDT

20 MR. NEIBERGALL: So in the matter
21 of the NPDES permit for the North Canton Mine,
22 please go ahead.

23 MS. ECKERDT: My name is Amy Elise
24 Eckerdt. Last name is spelled E-C-K-E-R-D-T.

1 I just have to say that
2 Copperas Creek, as we all know, has the highest
3 quality of wildlife habitat that's left in Fulton
4 County. We need to keep Canton Lake for the clean
5 drinking water, as has been said over and over
6 again. We also need to know and be reminded that
7 the strip mining will destroy miles of tributary
8 streams and springs that have been recognized
9 tonight. The clean water and high quality habitat
10 does -- therefore, cannot be replaced.

11 And also this group, this LLC
12 group, the Capital Resource, is the same group
13 responsible for the disastrous industry mine in
14 McDonough County with over 300 water pollution
15 violations since 2003 and is behind the proposed
16 North Canton Mine. And despite the ongoing legal
17 action since 2009, IEPA has issued no fines, and the
18 industry mine has not come into compliance with its
19 water pollution permit.

20 I want to thank everyone with
21 the IEPA for allowing me to present this
22 information.

23 MR. NEIBERGALL: Thank you.

24

1 STATEMENT BY RHONDA VOGEL

2 MR. NEIBERGALL: So in the matter
3 of the NPDES permit for the North Canton Mine,
4 please go ahead.

5 MS. VOGEL: My name is Rhonda
6 Vogel, V as in a Vicky O-G-E-L. First name is
7 Rhonda, R-H-O-N-D-A. I am a citizen of Canton.

8 I just feel strongly that the
9 EPA should -- the Illinois EPA should consider not
10 allowing this permit, not allowing the North Canton
11 Mine. I feel it is definitely in the wrong
12 position. I don't believe in the whole state of
13 Illinois you could find that in that situation to
14 have it north of a watershed. The watershed is very
15 important to not only the city of Canton but the
16 whole area. About 20,000 people depend on the
17 water.

18 And if anybody would ever
19 spend an afternoon on Canton Lake and realize how
20 pristine and beautiful -- I realize there is
21 problems but they are natural problems -- it would
22 be a travesty to issue the permit.

23 That's pretty much all I have
24 to say. Thank you.

AUXILIARY ROOM SESSION CONCLUDED

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

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

4 I, Carla J. Boehl, a Notary Public and Certified
5 Shorthand Reporter, do hereby certify that on said
6 date the foregoing statements were taken down in
7 shorthand by me and afterwards reduced to
8 typewritten form by me, and that the foregoing
9 transcript contains a true and accurate translation
10 of all such shorthand notes.

11 Given under my hand and seal this 15th day of
12 December, 2011, at Springfield, Illinois.

13

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15 _____
16 Certified Shorthand Reporter
 Lic. #084-002710

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