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BEFORE THE ENVIRONMENTAL PROTECTION AGENCY

STATE OF ILLINOIS

IN RE: BUREAU OF WATER

ANNUAL HEARING

Public Hearing held, pursuant to Notice, on
the 27th day of August, 2012, at the hour of 10:30
a.m., at 1021 North Grand Avenue East, Illinois EPA
Sangamo Room, Springfield, Illinois, before Dean
Studer, duly appointed Hearing Officer.

TRANSCRIPT OF PROCEEDINGS

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

2 Dean Studer, Hearing Officer/Right-To-Know
Coordinator
3 Office of Community Relations
Illinois Environmental Protection Agency
4 1021 North Grand Avenue East, PO Box 19276
Springfield, Illinois 62702

5
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6 Manager, Infrastructure Financial Assistance,
Bureau of Water, Illinois Environmental
7 Protection Agency
8 1021 North Grand Avenue East, PO Box 19276
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11 Amy Walkenbach, Manager, Watershed Management
12 Section, Bureau of Water, Illinois
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17 Court Reporter:
18 Jennifer L. Crowe, CSR
19 Illinois CSR #084-003786
20 Midwest Litigation Services
21 15 S. Old State Capitol Plaza
22 Springfield, Illinois 62701
23 217-522-2211
24 1-800-280-3376

1 HEARING OFFICER: Good morning. It is a
2 few minutes after 10:30, so we are going to go ahead
3 and get started. My name is Dean Studer. I'm the
4 hearing officer for the Illinois EPA. This is the
5 Bureau of Water Annual Program Hearing. I will start
6 by reading an opening statement into the record. Can
7 you hear me in the back? Okay.?

8 This informational hearing is being held by
9 the Illinois Environmental Protection Agency Bureau of
10 Water. The purpose of the hearing is to provide an
11 opportunity for the public to understand and comment
12 on three programs administered by the Bureau of Water,
13 specifically the Revolving Loan Fund Program for
14 Drinking Water and Waste Water; the Water Quality
15 Management Plan and Section 319(h) Financial
16 Assistance for Nonpoint Source Pollution Control
17 Program.

18 Geoff Andres, Manager of the Infrastructure
19 Financial Assistance Section, will present information
20 on the Revolving Loan Fund, and Geoff is seated on my
21 right. Amy Walkenbach, seated on my left, Manager of
22 the Watershed Management Section, will present
23 information on the Water Quality Management Plan and
24 the Section 319(h) Financial Assistance for Nonpoint

1 Source Pollution Control Program.

2 After the presentations are concluded, those
3 in attendance will be given the opportunity to make
4 comments on these programs.

5 This public hearing is being held under the
6 provisions of the Illinois EPA's Procedures for
7 Informational and Quasi-Legislative Public Hearings,
8 which can be found at 35 Illinois Administrative Code,
9 Part 164. Copies of these procedures can be accessed
10 on the website for the Illinois Pollution Control
11 Board at www.ipcb.state.il.us, or if you do not have
12 easy access to the worldwide web, copies can be
13 obtained from me upon request.

14 Comments given during this hearing do not have
15 to be in writing, but after today's proceedings
16 comments must be submitted in writing. This is the
17 only opportunity that you will have to make oral
18 comments on the record in this proceeding. Once the
19 hearing is adjourned, the comment period will remain
20 open through September 26th, 2012. Written comments
21 do not have to be notarized. Comments may be
22 submitted by regular mail or by email. Email comments
23 should be sent to epa.publichearingcom@illinois.gov.
24 That's epa.ill -- excuse me,

1 epa.publichearingcom@illinois.gov, and that email
2 address is given on the notice for today's hearing.
3 Emailed comments must specify Bureau of Water 2012
4 Annual Hearing in the subject line and will be
5 accepted until midnight, September 26th, 2012.
6 Please keep in mind that emailed comments are
7 electronically sorted, so it is important that the
8 words in the subject line be spelled correctly. If
9 your emailed comments are received by the server
10 before the close of the comment period and if you have
11 correctly indicated the appropriate hearing on the
12 subject line, you should receive an automated reply
13 from the server. Please note that the server can
14 become quite busy in the minutes just before the close
15 of the comment period, so you may want to take this
16 into consideration when electronically filing your
17 comments.

18 Comments sent by regular mail must be
19 postmarked no later than September 26th, 2012.
20 Comments should be addressed to Dean Studer, Hearing
21 Officer, Re: Bureau of Water Annual Hearing, Illinois
22 EPA, 1021 North Grand Avenue East, PO Box 19276,
23 Springfield, Illinois, 62794-9276. This information
24 is also part of the public hearing notice.

1 After the record closes in this matter, the
2 Illinois EPA will prepare a responsiveness summary.
3 In the responsiveness summary, Illinois EPA will
4 respond to the relevant and significant comments
5 raised at this hearing or submitted to me prior to the
6 close of the comment period. The responsiveness
7 summary and the hearing transcript for the hearing
8 this morning will be posted on the Illinois EPA's web
9 site. It is my goal to have the transcript posted in
10 2 to 2 1/2 weeks, but the actual date will depend on
11 when I get the transcript back from the court
12 reporter.

13 Any persons who wish to make oral comments
14 today may do so as long as the comments are relevant
15 to the issues at hand. Please indicate that you wish
16 to make a comment on your registration card, and
17 persons will be called forward to make comments in the
18 order that they have completed their registration
19 cards. If you have not completed a registration card
20 at this time, please see Barb in the back, and she
21 will provide you with one. If you want to make
22 comments but have a time constraint, you may also let
23 Barb know at the registration table. We will try to
24 call on you as soon as we can in the hearing. If

1 anyone has other relevant documents that they wish to
2 submit, please let me know. I will enter them into
3 the record as an exhibit.

4 Please keep conversation and noise levels to a
5 minimum so that the court reporter can hear and
6 accurately transcribe this proceeding. If you have a
7 cell phone or pager with you, please silence it at
8 this time if you have not already done so.

9 If you have lengthy comments to make, please
10 submit them to me in writing before the close of the
11 comment period, and I will make sure that they are
12 included in the hearing record as an exhibit.
13 You may want to consider giving just a brief synopsis
14 of your comments this morning and providing them to me
15 in their entirety in the comment period.

16 I will now enter preliminary documents into
17 the official record as exhibits. Exhibit 1 is the
18 notice of the public hearing.

19 (Exhibit No. 1 admitted.)

20 HEARING OFFICER: Other documents will be
21 entered into the hearing as we proceed today.

22 On behalf of Interim Director John Kim and
23 Marcia Willhite, Chief of the Bureau of Water, I thank
24 you for attending and participating in this hearing.

1 I will now turn things over to Geoff Andres to
2 begin his presentation. Following Mr. Andres'
3 presentation, I will let Amy Walkenbach present
4 information on the Section 319(h) Program and on the
5 Water Quality Management Plan. Following Ms.
6 Walkenbach's presentation, I will provide brief
7 instructions on how we will take oral comments this
8 morning, and I will begin calling those forward that
9 wish to make comments.

10 Geoff?

11 MR. ANDRES: Okay. Thank you, Dean. As
12 Dean said, my name is Geoff Andres. I am Manager of
13 the Infrastructure Financial Assistance Section here
14 at the agency, and our primary responsibility is
15 management of the Clean Water and Drinking Water state
16 revolving funds and the two major revolving loan
17 programs that operate under those federal catalog
18 numbers and those federal appropriations.

19 I want to handle things a little bit
20 differently today than what I may have in the past.
21 Things have changed considerably, you know, with our
22 programs, with some of that, some of those changes
23 being, you know, in the timing of what we're aware of,
24 what we know about our programs and what we announce,

1 when we announce that. That has changed.

2 I mean, I think that in recent years we have
3 not seen federal action on appropriations quite as
4 quickly as we may have in the past and along with
5 that, that issue in terms of just moneys available for
6 our programs, which is obviously a large issue.

7 Our other issues involve regarding the
8 requirements and guidelines for the programs which
9 have, in recent years, have changed into a situation
10 where those have really been provided to us after the
11 appropriations are provided.

12 So we are coming in today really to provide
13 you with as much information as we can based on the
14 information that we know to date. That information is
15 a little bit limited because of, you know, we are
16 still waiting for action. We are looking at today for
17 both programs a draft intended use plan for the fiscal
18 year 2013 which begins October 1st of 2012 and runs
19 through September 30th of 2013.

20 Both programs are run in a very similar
21 fashion. The Public Water Supply Loan Program using
22 Drinking Water SRF resources and the Water Pollution
23 Control Loan Program using Clean Water SRF resources
24 both run very similarly. Public Water Supply

1 obviously is focusing on drinking water facilities and
2 potable water, the Water Pollution Control Loan
3 Program focusing on clean water or waste water
4 primarily with some overlap into the storm water area.

5 Really want to kind of cover both of these at
6 the same time this morning. They are very, very
7 similar. I will try to highlight some of the changes
8 that we anticipate, you know, in both programs this
9 year and just some of the differences between the
10 programs.

11 One of the most important things to talk about
12 probably today for a lot of, a lot of the folks out
13 there is the interest rate. We will be setting a new
14 interest rate for fiscal 13 based on the fixed loan
15 rate that's applied and is set through program rule.
16 We base that on the previous 12 months rate, general
17 obligation bond buyers' rate. Our rate is 1/2 of that
18 amount. We are currently anticipating a rate in the
19 neighborhood of 1.95% for fiscal year 13. So a
20 continued good rate in both programs.

21 We do still have about a month left, a little
22 over a month left for that number to change slightly.
23 It may go down slightly, it may go up slightly. The
24 way things are looking right now, it will be 1.95 or

1 slightly below that amount. Again, that's half of the
2 general obligation bond buyers' rate for the previous
3 12 months. That is set in statute, so that's what we
4 are looking for. That's a reduction from this year's
5 rate, fiscal 12, of 2.295%.

6 Probably another very key element for fiscal
7 13 is how we will address or anticipate addressing
8 principal forgiveness requirements that have been
9 included in our grants the past several years. You
10 will very likely see a change in our approach,
11 particularly under the Water Pollution Control
12 Loan Program.

13 The reasons for that are -- there are multiple
14 reasons for that. Primarily what I want to point out
15 today is that principal forgiveness as we have offered
16 in our programs, we have offered it beginning in
17 fiscal year 2009 with the stimulus program or the
18 American -- ARRA program, the American Recovery and
19 Reinvestment Act of 2009.

20 That's been carried forward the past several
21 years, but there have been a number of changes in
22 that. I know on the Water Pollution Control Loan
23 Program side, that requirement has been significantly
24 reduced or limited to us over the past several years.

1 By that I mean that in fiscal year 10, our
2 maximum or our permitted level of principal
3 forgiveness was a little over \$46 million; fiscal year
4 11 program, our maximum level was about \$20.6 million;
5 and fiscal year 12 our requirement is less than \$9.6
6 million. So basically the pattern is that the federal
7 requirement has been cut back and is extremely limited
8 in the application that we can use it for.

9 We do not anticipate in either program that we
10 will continue with the across-the-board principal
11 forgiveness programs that we have run in the past
12 several years.

13 In the past several years our principal
14 forgiveness has been tied to income in the affected
15 community. We expect -- in the Water Pollution
16 Control Loan Program, we expect a very small window.
17 By window I mean we will have a limit and a
18 requirement to forgive a certain amount of principal
19 and a limit on how much we can forgive. We really
20 don't expect that amount to be large enough to have an
21 impact in any sort of an across-the-board strategy.

22 Our preliminary plans are to apply, if it is
23 required and permitted, permitted and required, that
24 we would apply the principal forgiveness to the

1 infrastructure, the Illinois Green Infrastructure
2 Grants Program which has been run the past several
3 years using proceeds from our Loan Support Programs.
4 We anticipate that that program will very likely be
5 adequate in using our required allocation of principal
6 forgiveness funds.

7 Similarly in the Public Water Supply Loan
8 Program, we really don't know at this point what that
9 requirement will be. We expect it to be less than it
10 has been in previous years and has been ratcheted down
11 similar to the Water Pollution Control Loan Program.
12 Similarly we want to apply those funds to priorities
13 of the agency including the Small Systems Compliance
14 Grant Program which we have also supported using our
15 loan support proceeds in the past.

16 So those are really big changes that we look
17 for with the loan rate and principal forgiveness
18 programs.

19 The amount of monies that we are announcing at
20 this point in time for both programs would simply
21 involve our estimate of federal grant award based on
22 the President's recommended budget along with program
23 repayment that will be available for loan obligations.

24 If you look in our exhibits, the documents,

1 the draft IUP, that would result in -- at the initial
2 draft the availability of \$200 million in funding for
3 the Water Pollution Control Loan Program and \$58.3
4 million in the Public Water Supply Loan Program.

5 Again, those amounts are preliminary. We
6 don't have our federal grant numbers. Those are very
7 preliminary.

8 Our repayment numbers are solid. Approximately
9 149.2 million for waste water and approximately 25
10 million for drinking water. The federal grant
11 numbers, again, are subject to change. Those are an
12 estimate allotted at this point in time.

13 The other source that we want to maybe talk
14 about a little bit this morning is the ability to
15 leverage our program which is on the table. We want
16 to say for fiscal 13 there have been no final
17 decisions made, but based on federal grant action and
18 program demand, we are reserving the right to use a
19 leveraging issue to increase funds available in our
20 program this year. That could have an impact on our
21 program going forward.

22 I think really the only other highlight that I
23 really want to talk about this morning is really our
24 list, our attachments at the back, what is represented

1 there. We have several attachments. Attachment A for
2 both programs is our project priority list. That
3 includes -- that's going to include virtually anybody
4 who is eligible for a fiscal year 13 loan at this
5 time, meaning a pre-application, submitted a
6 pre-application and either a facilities or project
7 plan to us.

8 A number of those projects, as you will see
9 from the list, have been ranked and scored, fully
10 ranked and scored for priority upon achieving an
11 approved plan.

12 Attachment B really addresses those projects.
13 Attachment B is our -- is for both programs. It is
14 our reserve funding list, our intended use plan
15 reserve funding list in rank order.

16 Attachment B represents the projects that we
17 have approved plans, ranked in project order, in class
18 order.

19 Attachment 3 or Attachment C is our fiscal 13
20 allocation of loan funds; Attachment D, our source of
21 funds, and Attachment E just a glossary of waste water
22 abbreviations.

23 One thing I really want to point out to
24 everybody today on the priority list, the key list,

1 IEPA Attachment B, represents reserve funding for
2 those projects that have achieved approved project or
3 facilities plan in the program. I want to point out
4 that many of those projects are working toward funding
5 or actively working toward funding in the fiscal year
6 12 loan program.

7 In the final analysis, many of those projects
8 will be funded prior to October 1st. Funding from --
9 that is currently reserved as of today will be
10 released for additional projects on the project
11 priority list. You will see a significant amount of
12 change in those lists.

13 Kind of just to close up with what we
14 anticipate happening, you know, over the balance of
15 the current fiscal year, we really have instituted a
16 new policy in the past couple of years in the program.
17 This hearing is a traditional hearing. We have always
18 held it around this time of the year to announce our
19 intended use plan for the programs. The lack of
20 information available to us at this time has made that
21 more and more difficult as the years have gone by.

22 Our new approach, which we implemented last
23 year, is to publish an update to our intended use plan
24 after the first of the year which will provide a

1 significantly better look at where we plan to go in
2 our programs. We will have at that time more answers
3 in terms of what our federal requirements are, federal
4 grant amounts, more information on principal
5 forgiveness, additional subsidies, green
6 infrastructure and a number of other issues that are
7 still a little bit up in the air at this point in
8 time.

9 So in closing I do want to say that you will
10 want to look for that update to our IUP which will be
11 a significant update to this document which we expect
12 just after the first of the year. So that's all that
13 I have.

14 HEARING OFFICER: Thank you, Geoff. For
15 the record, that was Geoff Andres, Manager of the
16 Infrastructure Financial Assistance Section, and his
17 name is -- first name is spelled G-E-O-F-F, last name
18 is A-N-D-R-E-S.

19 Amy Walkenbach, if you would like to introduce
20 yourself and proceed.

21 MS. WALKENBACH: I'm Amy Walkenbach,
22 Manager of the Watershed Management Section. This
23 morning the annual Bureau of Water hearing will
24 address several issues and allow the public the

1 opportunity to ask the Illinois EPA about the Illinois
2 Water Quality Management Plan. We will also talk
3 about nonpoint source programs and their priorities.
4 I will briefly describe the Illinois Water Quality
5 Management Plan, developments related to facility and
6 watershed planning and priorities for the Clean Water
7 Act's Section 319 Nonpoint Source Pollution Control
8 Grant Program federal fiscal year 2014 work plan.

9 The Illinois Water Quality Management Plan
10 (WQMP) was prepared in November of 1982. Various
11 sections of the federal Clean Water Act were
12 consolidated into an integrated process that required
13 the development and maintenance of the WQMP.

14 These sections include: Section 106. This
15 section provides for pollution control programs for
16 prevention, reduction and elimination of pollution.

17 Section 205(j): This section provides funds
18 to carry out water quality management planning, cost
19 effective and locally acceptable plan development,
20 determinations of POTWs that have infrastructure needs
21 and development of joint regional planning.

22 Section 208: This section establishes
23 Areawide Waste Treatment Planning.

24 And Section 303: This section provides for

1 the listing of all waters that are impaired, waters
2 not meeting their water quality standards and
3 designated uses.

4 The purpose of the WQMP is to coordinate the
5 three area-wide water quality management plans
6 (covering 21 counties) with the state plan (covering
7 the remaining 81 counties). The WQMP is composed of
8 three area-wide plans and the state plan plus all
9 approved facility plans and all waste water National
10 Pollutant Discharge Elimination System (NPDES)
11 permits, excluding industrial process, thermal and
12 noncontact water NPDES permits, storm water permits
13 including MS4 and construction permits and Pesticide
14 and CAFO permits. The WQMP addresses control of
15 pollution sources, maintenance of stream use and water
16 quality standards, protection of ground water
17 resources and control of hydrologic modifications. In
18 addition to assuring sound economic and environmental
19 decision making, the WQMP is intended to serve as a
20 tool to protect the federal and state investment in
21 pollution control facilities. The original WQMP has
22 been frequently amended to reflect specific changes in
23 various program elements.

24 This year the WQMP is amended to reflect 45

1 facility plan approvals, four facility planning area
2 boundary changes, three new municipal NPDES permits
3 and no new watershed-based plans. Listings of the
4 Facility Plan Approvals, FPA boundary changes enacted
5 and new municipal NPDES permits are available at
6 today's hearing for those who would like a copy.

7 Last year at this hearing I presented the
8 draft Nonpoint Source Program for Illinois with a goal
9 of finalizing in the coming months. However, about
10 the same time the USEPA and the federal Government
11 Accountability Office undertook separate audits and
12 studies of the 319 nonpoint source programs around the
13 nation. These studies looked at effectiveness and
14 accountability of NPS programs. With the real
15 likelihood that there might be significant changes to
16 the 319 guidance, the NPS Unit continued to work on
17 the NPS program update but with the idea it wouldn't
18 be finalized until after the USEPA released new
19 guidance. GAO has finalized their audit of the
20 national program, and the USEPA has finalized their
21 studies and expects to release guidance in early
22 November. Upon release of the final guidance,
23 Illinois EPA will work to finalize the Illinois
24 Nonpoint Source Program update and receive USEPA

1 approval. A notice will be placed on the website, and
2 the final document will be incorporated into the Water
3 Quality Management Plan during this hearing next year.
4 As a note to the information we have already received
5 by the USEPA and GAO, it looks like Illinois' 319
6 program is in good shape and will probably be looking
7 at only minor changes. With regard to the larger NPS
8 program, we will be looking at changes that help us
9 integrate other state and federal programs more fully
10 and work to leverage resources.

11 Next I will present the priorities of the
12 Federal Fiscal Year 2014 Nonpoint Source Pollution
13 Control Grant Program Work Plan, also known as 319
14 grants. As state and federal budgets are reduced,
15 requests for this competitive grant program have
16 increased throughout the years. As a time of
17 decreased Section 319 budgets and increased project
18 requests for funding, USEPA guidance has become more
19 restrictive as to the types of projects that can be
20 funded. At this time the federal government has
21 placed the fiscal year 14 budget under Continuing
22 Resolution. This means we will not know our budget
23 until at least March of next year. However, to
24 facilitate applications and planning, project

1 planning, we will formally announce the federal fiscal
2 year 14 priorities. The following four criteria will
3 be used to prioritize 319 project funding. Project
4 proposals demonstrating one or more of the following
5 criteria will be given the highest priority to receive
6 federal fiscal year 14 funding:

7 Implementation of a watershed-based plan,
8 a plan that meets the nine minimum elements as
9 described in USEPA Section 319 Guidance;

10 Implementation of a Total Maximum Daily
11 Load Implementation Plan;

12 Watershed-based Planning;

13 Projects including an evaluation
14 component, either environmental or social, with
15 priority to those projects with both evaluation
16 elements.

17 Furthermore, with our new program complete we
18 will now announce priority watersheds for
19 watershed-based planning and implementation
20 activities. These watersheds are based on the
21 rotating Watershed Monitoring Program. Each watershed
22 will be a priority once every five years, one year for
23 planning purposes, one year for implementation. This
24 is not to say that all our funds will be spent in

1 these watersheds, but they will receive priority over
2 other watersheds with a similar proposal.

3 Furthermore, activities proposed to occur in the
4 prioritized watersheds, in second and higher order
5 stream segment watersheds will receive priority over
6 first order or mainstream watersheds -- sorry,
7 mainstem stream watersheds.

8 For 2014:

9 WATERSHED PLANNING ACTIVITIES:

10 Rock River Watershed

11 Des Plaines River Watershed

12 Salt Creek of the Sangamon River
13 Watershed

14

15 Lower Sangamon River Watershed

16 Upper Sangamon River Watershed

17 Big Muddy Watershed

18 IMPLEMENTATION ACTIVITIES:

19 Kiskwaukee River Watershed

20 Great Lakes/Calumet River Watershed

21 Middle Illinois River Watershed

22 Lower Illinois River (Macoupin Creek)
23 watershed

24

1 Vermillion River (in the Wabash Basin)

2 Watershed

3

4 Embarras River/Middle Wabash River

5 Watershed

6

7 Lower Wabash River Watershed

8 Skillet Fork Watershed

9 All other types of projects, research,

10 demonstration and site specific restoration/protection

11 will continue to be considered as funding allows. The

12 319 application deadline remains August 1 for the 2013

13 deadline with applications due in-house on or by close

14 of business. A postmarked application does not meet

15 this requirement.

16 Nutrients in our waterways continue to be a

17 high profile issue for Illinois and the Mississippi

18 River Basin, not just to protect our Illinois waters

19 but also downstream waters. In an effort to find ways

20 to reduce nutrients, we have identified six watersheds

21 that have nutrient impairments identified and also

22 have a total maximum daily load (or TMDL) developed

23 for the listed nutrient or nutrients. These six

24 watersheds continue to be targeted for planning and

1 implementation activities related to reducing nutrient
2 loses. The six watersheds are:

3 Lake Bloomington

4 Lake Vermilion

5 Lake Decatur

6 Vermilion River (Illinois River Basin)

7 Salt Fork Vermilion River (Wabash River
8 Basin)

9

10 Lake Mauvaise Terre

11 A list of these priority watersheds and their
12 designated hydrologic unit code, or HUC, and the 319
13 priority watersheds for federal fiscal year 2014 are
14 provided at the front of the room if you would like.

15 With that I thank you for the interest in our
16 programs.

17 HEARING OFFICER: Thank you, Amy. That
18 concludes the presentations. I'm going to go ahead
19 and enter a couple documents into the record. And
20 Exhibit 2 will be a group exhibit with the approved
21 facility plans, the approved facility planning area
22 boundary training and the new municipal NPDES permits.

23 Exhibit 3 will be the Clean Water Act Section
24 319 Grant priority watersheds and associated

1 hydrologic unit codes for fiscal -- federal fiscal
2 year 2014. I believe both of those documents are
3 available in the back.

4 I will also enter the two draft intended use
5 plans that Mr. Andres referenced, the draft intended
6 use plans for the Water Pollution Control Program
7 which is 21 pages will be Exhibit 4, and the draft
8 intended use plan for the Public Water Supply, which
9 is 19 pages, will be Exhibit 5.

10 (Exhibits 2 through 5 admitted.)

11 HEARING OFFICER: With that I will go
12 ahead and open the floor up for comments and
13 questions. Since we have a small group I'm not going
14 to bring everyone forward to the podium. I think we
15 can conduct in an orderly manner the questions and
16 comments that anyone may have without that.

17 I would ask, since we have a court reporter
18 here, that when you have a question or comment, that
19 you state your name, and then if you would spell your
20 last name for the court reporter, and if there is
21 various spellings of your first name, you may also
22 want to spell that. I would also ask that you state if
23 you are representing a governmental body, organization
24 or an association.

1 With that, the first person I think indicated
2 that they may have questions is Jack Norman. Did you
3 have any questions or no?

4 MR. NORMAN: Not until I'm better
5 educated.

6 HEARING OFFICER: Okay. And the next one
7 would be Catherine. Did you have any questions or
8 comments that you would like --

9 MRS. EDMISTON: I probably should wait
10 till I'm better educated, too, like Jack, but Geoff,
11 when your --

12 HEARING OFFICER: Can I interrupt for just
13 a second?

14 For the record, this is Catherine Edmiston.

15 MRS. EDMISTON: E-D-M-I-S-T-O-N is my last
16 name. I do represent CALM, Citizens Against Long Wall
17 Mining.

18 My concerns mainly about the Bureau of Water
19 is their help with the pollution caused by mining
20 throughout the State of Illinois which is increasing
21 rapidly. Mines are moving into Illinois. They are
22 starting the mining process without adequate approval,
23 permits, and we all know that mining does cause
24 contamination of ground water and disappearance of

1 ground water.

2 Deer Run Mine in Montgomery County right now
3 is using its pools of water because all three lakes
4 that it draws from are below level, partly due to the
5 drought, but is it all the drought, you know?

6 And there needs to be an awareness of how much
7 water is being used in Illinois to wash the high
8 sulphur coal and how it is going to affect these
9 contaminations, and the Bureau of Water should be very
10 concerned about the mining process going on in
11 Illinois, and it is being increased in Illinois.

12 There is a new mine, Sunrise Mine, moving in
13 over there. Of course, Vermilion -- you mentioned
14 three -- Vermilion River that's being on the pollution
15 stage. Vermilion River is over there in Champaign
16 County which is the richest farming ground in the
17 state, and that mine is moving in over there. It is,
18 it is trying to find a water source.

19 The small town of Homer, there is a debate
20 going on over there about how cities' control over
21 rivers, can they provide water for these mines, and,
22 of course, the pollution thing is always a part of it.
23 They depend on these mines for their water supply.

24 Canton is fighting for their Canton Lake right

1 now in an administrative review of a strip mine
2 that --

3 HEARING OFFICER: I believe that's
4 Department of Natural Resources.

5 MRS. EDMISTON: Yes, right. That's going
6 on today, continued administrative review.

7 We're all aware of mining, and what it is
8 doing to the waters of Illinois. We are very, very
9 concerned. It should be a Bureau of Water concern and
10 all of these grants and what they are doing to help
11 because the mines don't clean it up. We are all --

12 HEARING OFFICER: Do you have a question
13 regarding one of the specific programs for this
14 morning?

15 MRS. EDMISTON: All right. What is -- you
16 spoke of green issues that are up in the air. Could
17 you be more specific on that, sir?

18 MR. ANDRES: Yes, we have -- in both of
19 our programs in the past four years, we have had what
20 is known as the green project reserve requirement.
21 That is a issue that started under the American
22 Recovery and Reinvestment Act 2009 where we were
23 required to commit a percentage of our federal grant
24 for projects that promote green infrastructure.

1 We have, in fact, done that in the past four
2 fiscal years where we have documented, you know,
3 pieces, components, full projects that involve green
4 infrastructure components.

5 By green infrastructure in our program, it is
6 defined as a number of different things. It may be
7 energy conservation, it may be water conservation, it
8 may be strictly green infrastructure where you may
9 have a project that involves swales or natural
10 treatment, natural hydrologic treatment of the water
11 as opposed to what we have traditionally dealt with.

12 So we are, in fact, waiting to see what those
13 requirements will be for fiscal 13. We do expect to
14 continue to focus on green infrastructure to encourage
15 the use of green infrastructure and the application of
16 water and energy conservation efforts on our projects.
17 We do expect to continue to do that.

18 The infrastructure, Illinois Green
19 Infrastructure Grants Program is a good example. I
20 mean, they are using that program and the application
21 to our program or connection is really storm water
22 controls, using natural processes that we have not
23 traditionally dealt with in our program.

24 So that is how we initially got involved in

1 that program was basically to try and learn more about
2 green infrastructure and what its application is going
3 to be for us.

4 MRS. EDMISTON: That was the first time I
5 have heard that at these hearings, the Green
6 Infrastructure Grants.

7 MR. ANDRES: Well, we have -- you know, in
8 the past the program has been supported by our Loan
9 Support Program funds. Our Loan Support Program funds
10 are, in essence, a percentage of our interest that we,
11 that we collect on our loans of our repayments, and
12 that goes to our Loan Support Program which is, in
13 essence, loan fees.

14 We use that funding for a number of different
15 things, primarily for the administration of the
16 agency. So our program is supported by those funds.
17 Permit programs, compliance programs, other areas that
18 are working, you know, for the revolving loan program,
19 we do support through the loan support funding.

20 The Loan Support Program was the source for
21 our first two years of funding for the Illinois Green
22 Infrastructure Grants Program. So it was not part of
23 our program, it was a separate adjunct to our program.

24 In fiscal 13 we're hoping to go ahead and

1 institutionalize that portion into our standard SRF
2 program using our principal forgiveness requirement if
3 it is required for that program.

4 MRS. EDMISTON: A question. You talked
5 about nutrients in streams, and you mentioned streams
6 in Macoupin County.

7 All these are probably due to mining, too,
8 because they destroy that kind of thing. Macoupin
9 County is very much affected by mining, long wall
10 mining, and you didn't mention much in southern
11 Illinois. Some of these streams -- and this involves
12 repairing streams, right, these grants?

13 MS. WALKENBACH: Correct.

14 MRS. EDMISTON: Repairing streams.

15 Part of the problem here, of course, is we are
16 trying to protect these streams before they are
17 impaired by pointing out that they are biologically
18 significant streams and rated as that, and that mines
19 shouldn't be allowed to ruin them in the first place,
20 and yet our government, the damage has to be done
21 before a law case is won. We have run across that.

22 MS. WALKENBACH: These funds are not
23 eligible for mitigation projects. If a mine or any
24 other entity does not follow their permit

1 requirements, they will be coerced by the agency to
2 repair what damage they have done. The grants that I
3 was talking about today will not be eligible for
4 funding those projects.

5 MRS. EDMISTON: It won't?

6 MS. WALKENBACH: No.

7 MRS. EDMISTON: So it is not considered
8 important, then?

9 MS. WALKENBACH: No, it is considered very
10 important. It is considered very important that the
11 permittee fix their problems. That's why they go
12 through the permit process. That way we have the
13 ability to track and monitor the damage that they have
14 made, caused.

15 MS. EDMISTON: Of course, the problem here
16 is they don't give citizens a chance to speak for
17 literally years, and they're allowed to go ahead and
18 mine.

19 Deer Run Mine is producing coal, and we
20 haven't had an administrative review for the last
21 three years. Citizens haven't even been allowed to
22 speak.

23 MS. WALKENBACH: I'm sorry. I have --

24 MRS. EDMISTON: I know you have no control

1 over that.

2 MS. WALKENBACH: Well, I have no idea what
3 you are even -- we have no purview over the permit
4 process for coal mines or --

5 MRS. EDMISTON: I know you don't, but this
6 is our problem in our state government currently.

7 HEARING OFFICER: Neither one of these
8 programs specifically deal with mines. I don't
9 believe any mines could be eligible for funding under
10 the infrastructure programs that you have talked about
11 today either.

12 MR. ANDRES: No. I think that, you know,
13 if you look at, you know, the incident that you were
14 mentioning earlier in Vermilion County, where we, you
15 know, could potentially have some involvement is if a
16 community like a Homer, for example, if they wanted to
17 increase their ability to produce water for this
18 particular reason.

19 I mean, you have -- they have a particular
20 capacity on their water transmission, their water
21 treatment system and transmission system. If they
22 wanted to increase that capacity and if they wanted
23 to, you know, move transmission to a particular area
24 for that purpose, they could come to us to get money

1 to do that. But in order to do that, I mean, I think
2 you would have to have a -- you would have to have a
3 permitted use of water.

4 I mean, our program does work, like I said, I
5 mean, with permitting sections and with compliance
6 sections to try and keep things blended together.

7 So if you had a mine that had been through the
8 hearing process, they had a permit, they are producing
9 over there, there is a possibility that the community
10 could get water to them. But, again, that would be an
11 independent process. We wouldn't have the ability to
12 say, you know, whether that mine could operate or
13 could not operate. We would come in, you know, later
14 in terms of the community trying to define a need.

15 MRS. EDMISTON: Uh-huh. But, you know, it
16 needs to be pointed out publicly that, you know, we
17 had a law case that was not lost but drug out for
18 several years till, you know, you run out of money,
19 and it was -- because it wasn't right. You see, the
20 damage had to be done before the law case could be
21 won. There is --

22 HEARING OFFICER: Those are established by
23 state statute, not by Illinois EPA.

24 MRS. EDMISTON: Uh-huh. I know this.

1 HEARING OFFICER: The public forum
2 probably best for this is with your elected officials
3 because those are changes that would need to be made
4 in the state statute, and the way the law works in
5 Illinois is we have as much authority as the General
6 Assembly gives us. The authority for us to do that
7 comes from them to us.

8 MRS. EDMISTON: Uh-huh.

9 HEARING OFFICER: So the only way to
10 change that is to go back through them. I would
11 suggest very strongly, you know, contacting your
12 elected local officials or state officials.

13 MRS. EDMISTON: I used that as an example
14 because this water issue is the same type of thing.

15 why is it, why is it we have government grants
16 to repair the damage that has been done when we should
17 be --

18 MS. WALKENBACH: Again, these grants are
19 not eligible to fix someone's problem. If someone did
20 something to damage the environment and it was against
21 their permit, these grants are not eligible.

22 So we understand that people are out there
23 potentially doing things that are against the law.
24 These grants are not eligible for those activities to

1 fix.

2 MRS. EDMISTON: That's understandable, but
3 what kind of laws are we going to have to get those
4 who mess them up to repair them, you know? They are
5 ruined.

6 MS. WALKENBACH: The Attorney General's
7 office.

8 MRS. EDMISTON: Yeah, we were there, too.

9 HEARING OFFICER: Are there any another
10 questions or comments on the programs this morning?
11 Yes?

12 MR. NORMAN: I do intend to look at the --

13 HEARING OFFICER: For the record it is
14 Jack Norman.

15 MR. NORMAN: Thank you. -- project
16 criteria that we used in the past, understanding that
17 it may be different for the coming funding rounds, but
18 maybe Geoff would like to comment on this question,
19 maybe not.

20 Do past project selection criteria include
21 impacts on energy production or agricultural
22 production?

23 MR. ANDRES: We do include -- I'm not sure
24 how the energy tie-in would be. In terms of

1 agricultural production, anytime that we are looking
2 at a project, we do require them to seek a sign-off
3 from the Department of Agriculture.

4 So if you have a project that is going to take
5 some land out of use, say you are going to like, let's
6 say extend the sewer main or you are going to relocate
7 a plant or water plant or whatever it might be, we do
8 require them to, as part of our environmental review
9 process, to seek comment from and approval from the
10 Department of Agriculture on that.

11 In terms of the energy conservation, I don't
12 -- we don't really have a similar process for that. I
13 don't think a particular, you know, preservation law
14 or anything that we are looking to back up.

15 Our main focus there has been, you know, has
16 been I think developed or developing with the advent
17 of the green project reserve where we are officially
18 documenting energy savings and other best practices
19 that people are applying in their project,
20 documenting, encouraging those types of activities.

21 MR. NORMAN: I was thinking more the flip
22 side of the use of water in energy production.

23 MR. ANDRES: Uh-huh.

24 MR. NORMAN: Is there any funding

1 available through the programs that you are talking
2 about to ease problems created by energy-producing
3 facilities' use of water, making it not available for
4 everybody else?

5 MR. ANDRES: No, I don't see that at all,
6 any connection there.

7 MR. NORMAN: Okay.

8 MR. ANDRES: Yeah, we are not --

9 MR. NORMAN: Maybe you will see some
10 comment from me about that.

11 MR. ANDRES: From what?

12 MR. NORMAN: Some comment from me about
13 that. Maybe that will be forthcoming.

14 MR. ANDRES: Okay.

15 MR. NORMAN: Thank you.

16 HEARING OFFICER: Any other questions or
17 comments this morning?

18 I thank you for your attendance this morning.
19 I thank you for your interest in these four programs.
20 I remind everyone we will keep the hearing record open
21 for 30 days to accept written comments on this. This
22 hearing is adjourned at 11:23.

23 (Hearing concluded at 11:23 a.m.)

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CERTIFICATE OF REPORTER

I, JENNIFER L. CROWE, a Certified Shorthand Reporter and Notary Public within and for the State of Illinois, do hereby certify that the foregoing proceeding was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

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