



## **REPORT OF PROCEEDINGS**

**Date:** February 8, 2024

**Case:** PUBLIC HEARING - HILLSBORO ENERGY, LLC, DEER  
RUN MINE PERMIT RENEWALS

**No.** N/A

**Court Reporter:** Ann Marie Hollo, CSR, RDR, CRR

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CITY OF HILLSBORO  
STATE OF ILLINOIS

PUBLIC HEARING  
HILLSBORO ENERGY, LLC, DEER RUN MINE  
PERMIT RENEWALS

FEBRUARY 8, 2024

Ann Marie Hollo, CSR, RDR, CRR

1 CITY OF HILLSBORO

2 STATE OF ILLINOIS

3 PUBLIC HEARING

4 HILLSBORO ENERGY, LLC, DEER RUN MINE

5 PERMIT RENEWALS

6  
7 PUBLIC HEARING REGARDING HILLSBORO ENERGY, LLC,  
8 DEER RUN MINE, PERMIT RENEWALS, on FEBRUARY 8, 2024,  
9 between the hours of thirty-five minutes after five  
10 o'clock in the afternoon and twenty-four minutes  
11 after seven o'clock in the afternoon of that day, at  
12 the Montgomery County Historic Courthouse, #1  
13 Courthouse Square, Hillsboro, Illinois, before Ann  
14 Marie Hollo, CSR, RDR, CRR, in a certain cause  
15 pursuant to 62 Ill. Adm. Code 1773.13(c) promulgated  
16 under the Surface Coal Mining Land Conservation and  
17 Reclamation Act, the Department of Natural  
18 Resources, Office of Mines and Minerals, Land  
19 Reclamation Division hereby gives notice that a  
20 public hearing for submission of comments will be  
21 conducted by the Department for the submittal of  
22 renewal application for the Deer Run mine permit  
23 Nos. 399 and 424, which was submitted by Hillsboro  
24 Energy.

A P P E A R A N C E S

For the Illinois Department of  
Natural Resources:

Mr. Brian Navarrete, Hearing Officer  
Ms. Amy Wolff Oakes, Legal  
Counsel

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Mr. James Schafer  
Permit Coordinator  
ILLINOIS DEPARTMENT OF NATURAL  
RESOURCES

One Natural Resources Way  
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ALSO PRESENT: Mr. Clayton Cross, Hillsboro Energy, LLC

The Court Reporter:

Ann Marie Hollo, CSR, RDR, CRR  
Paszkiewicz Litigation Services  
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Glen Carbon, Illinois 62034  
(618) 307-9320

1           IT IS HEREBY STIPULATED AND AGREED that the  
2 public hearing may be taken in shorthand by Ann  
3 Marie Hollo, RDR/CRR, a Certified Shorthand  
4 Reporter, and afterwards transcribed into  
5 typewriting.

6                           \* \* \* \* \*

7 (Starting time of the hearing is: 5:35 p.m.)

8                   MR. NAVARRETE: All right. Good  
9 evening, ladies and gentlemen. My name is Brian  
10 Navarrete. I'm an attorney with the Illinois  
11 Department of Natural Resources, Office of Legal  
12 Counsel. I am the appointed hearing officer for  
13 this -- for the -- this public hearing administered  
14 by the Office of Mines and Minerals, Land  
15 Reclamation District.

16                   The -- it was originally scheduled  
17 for January 22, 2024, but was continued to today's  
18 date because of the unforeseen weather emergency.  
19 So, thank you, all, who were able to come today.

20                   Seated in front of me are Kemi  
21 Osibamowo, Jim Schafer, and Amy Oakes from the  
22 Illinois Department of Natural Resources Land  
23 Reclamation Division.

24                   Before we start, I'd like to go over

1 a few logistics for conducting this public hearing.

2 First, for those who wish to provide  
3 oral comments, please make sure that your name is on  
4 here. So if anybody else -- anybody doesn't have  
5 their name on here, now would be the time to do it.

6 All right. I think James did a  
7 really good job getting the names written down.

8 For those that requested a public  
9 hearing, Mr. Schraut, it was my understanding that  
10 you have -- you do not wish to go -- speak first; is  
11 that correct?

12 MR. SCHRAUT: No. Somebody else can,  
13 or I can. I can speak first.

14 MR. NAVARRETE: Okay.

15 MR. SCHRAUT: I mean, I guess you  
16 want me up front?

17 MR. NAVARRETE: In a second, in a  
18 second.

19 MR. SCHRAUT: What?

20 MR. NAVARRETE: Not yet, not yet.

21 MS. DECLUE: I like that enthusiasm.

22 MR. NAVARRETE: So based on the  
23 number of speakers -- I counted, I think, ten -- we  
24 will have to limit the time at first and make sure

1 everybody has a chance to get heard, and then when  
2 we have time left over at the end, and those who  
3 wish to have -- or say more -- have more to say,  
4 will be given an opportunity to speak.

5           And that is until 7:30. That is when  
6 the Department has the space reserved, until  
7 7:30 p.m.

8           Second, the Department has hired a  
9 court reporter to record and transcribe tonight's  
10 hearing. So please be sure to speak loudly and  
11 clearly so the court reporter will be able to create  
12 an accurate transcript.

13           There is a microphone at this podium.  
14 So, please -- if you're able, please come to the  
15 podium and speak into the microphone. It will make  
16 it easier for the court reporter to transcribe your  
17 statements.

18           Third, we'll be requesting an  
19 expedited transcript, and we'll upload a copy of the  
20 transcript onto the Department's website when that  
21 is available.

22           First, we ask that since we do have a  
23 court reporter, that no other recordings be made of  
24 today's proceedings. The transcript will be

1 provided online.

2 And, last, the restrooms on this  
3 floor are located outside this door immediately to  
4 your right. So, you know, if you need to use the  
5 restroom, please do so.

6 The Land Reclamation  
7 Division -- "LRD" for short -- is but one of several  
8 state and federal administrative agencies  
9 responsible for administering and enforcing  
10 regulations regarding the coal mining industry in  
11 the State of Illinois.

12 Each has its authorizing statute and  
13 set of regulations, and with that, each has its own  
14 permitting and enforcement requirements regarding  
15 coal mining operations in the state.

16 LRD's authorizing statute is the  
17 Surface Coal Mining Land Conservation Reclamation  
18 Act, found in Chapter 225 of the Illinois Compiled  
19 Statutes, Act 720. Its promulgated regulations are  
20 found in Title 62 of the Illinois Administrative  
21 Code, Part 1700 to 1850.

22 This public hearing is being held  
23 pursuant to Sections 1773.13 and 1774.15 of those  
24 regulations, and it is in relation to the pending



1 application to renew Permit Numbers 399 and 424 of  
2 the Hillsboro Energy, LLC, Deer Run Mine.

3 Before we start, Ms. Osibamowo would  
4 like to provide a brief statement regarding the  
5 permit renewal process. Thank you.

6 I don't know if this is on.

7 MS. OSIBAMOWO: Good evening,  
8 everybody. It's good to see everybody here today.  
9 I think we have more of a turnout than we did during  
10 the informal conference, which is always good.

11 As the hearing officer introduced,  
12 I'm Kemi Osibamowo. I'm the Northern District  
13 Manager. Today, I'll be representing Dan Barkley.  
14 He really, really wanted to be here tonight, but as  
15 some of you may know, he is going through some  
16 health issues. So he sends his greetings.

17 I would also like to address the  
18 reason why the Department is processing the renewal  
19 of Permits 399 and 424 at the same time.

20 In 2018, LRD instituted an  
21 administrative process to synchronize permit renewal  
22 dates for coal mine units made up of multiple  
23 permits. This procedure was developed to facilitate  
24 a comprehensive review of the entire mine unit at

1 fixed intervals as opposed to the individual permit  
2 areas being reviewed in isolation at varying times.

3 We memorialized this policy in our  
4 Operator Memorandum 2018-1-04, and that was in 2018.  
5 And that's why we are processing the renewals of  
6 Permit Number 399 and Permit Number 424 at the same  
7 time.

8 Also, as stated by the hearing  
9 officer, this public hearing is being held pursuant  
10 to Sections 1773.13 and 1774.15 of the regulations.  
11 I do have copies here, and we also have them  
12 available on the website. For brevity, my statement  
13 will generally encompass the application of these  
14 regulations to the permit renewals, but please note,  
15 there are also other regulations that are  
16 cross-referenced and applicable as part of the  
17 review process.

18 So usually the first step is a  
19 renewal application is submitted to LRD, which is  
20 us, and reviewed for administrative completeness  
21 usually primarily by Jim Schafer.

22 Here, in this situation, the  
23 application was submitted on  
24 June -- sorry -- July 27, 2023. A completeness

1 review is a moderately detailed review to determine  
2 if sufficient information is provided for the  
3 Department to conduct its technical review of the  
4 application for compliance with the regulations I  
5 just mentioned. In this situation, the application  
6 for renewal was deemed administratively complete  
7 September 12, 2023.

8           The next step is that the applicant  
9 must file a copy of the renewal application with the  
10 county clerk in the county where the mine is located  
11 and run a public notice for four consecutive weeks.  
12 In this case, the administratively complete renewal  
13 application was filed with the Montgomery County  
14 Clerk September 14, 2023.

15           In addition to being available for  
16 public review at the county clerk's office, the  
17 permits are also available for review on our  
18 website. The news ad was first published by the  
19 permittee in the Hillsboro Journal-News, which is a  
20 Montgomery County-wide publication, and it started  
21 September 18, 2023. It also continued for the next  
22 four weeks.

23           The next step is written comments or  
24 objections and or requests for an informal

1 conference may then be submitted to LRD within the  
2 30 days after the last publication notices. In this  
3 case, the Department received requests for an  
4 informal conference from Larry Schraut of Hillsboro,  
5 Mary Bates of Litchfield, Karyl Dressen of Coffeen,  
6 Eileen Russell of Alton, Joyce Blumenshine of  
7 Peoria, and Mary Ellen DeClue of Litchfield.

8 Did anybody else request for an  
9 informal conference that didn't hear their name?

10 (No response.)

11 MS. OSIBAMOWO: Okay. Thank you for  
12 that.

13 So we did conduct an informal  
14 conference regarding the renewal of these permit  
15 application on Monday, December 4, 2023, at this  
16 same courthouse.

17 We also received comments from the  
18 participants listed below, and I have a compilation  
19 of all the comments we received during the informal  
20 conference.

21 Now, pursuant to Section 1773.14 of  
22 the regulations, if the issues in question are not  
23 resolved by the informal conference, any interested  
24 person or county board member may request a public

1 hearing within 80 days after the first newspaper  
2 notice required by Section 1773.13(a). In this  
3 case, Larry Schraut of Hillsboro requested a public  
4 hearing.

5 Did anybody else request a public  
6 hearing and didn't hear their name?

7 (No response.)

8 MS. OSIBAMOWO: Okay. Thank you for  
9 that.

10 Now, written comments and objections  
11 submitted during the public comment period and at  
12 informal conference is -- and public hearing such as  
13 this are compiled, they're reviewed, and they're  
14 considered as part of the permit review process.

15 Please note that renewal of the  
16 permit is subject to standards that are very  
17 different from those required for new permits or  
18 significant revisions to a permit.

19 Per Section 1773.19(d) and  
20 1774.15(a), a valid permit shall -- a valid permit  
21 issued shall carry with it the right of successive  
22 renewal within the approved boundaries of the  
23 existing permit and upon expiration of the term of  
24 the permit.

1 Now, Section 1774.15(c)(1)

2 specifically provides that the Department shall  
3 approve a complete and accurate application for  
4 permit renewal unless it finds in writing that the  
5 terms and conditions of the existing permits are not  
6 being satisfactorily met;

7 B, the present surface coal mining  
8 and reclamation operations are not in compliance  
9 with the environmental protection standards of the  
10 Act and regulatory program;

11 C, the requested renewal  
12 substantially jeopardizes the operator's continuing  
13 ability to comply with the Act and the regulatory  
14 program on existing permits areas;

15 D, the operator has not provided  
16 evidence of having liability insurance or  
17 self-insurance as required by the regulations in  
18 1800.60;

19 E, the operator has not provided  
20 evidence that any performance bond required to be in  
21 effect for the operation will continue in full force  
22 and effect for the proposed period of the renewal,  
23 as well as any additional bond the Department might  
24 require pursuant to the section -- pursuant to the

1 entire regulation;

2 F, additional revised or updated  
3 information required by the Department has not been  
4 provided by the applicant.

5 Now, I just basically read out the  
6 regulations in this part. I have copies available  
7 if anybody wants that.

8 So, in short, basically to be  
9 approved, an application must meet every one of  
10 these requirements. If the applicant -- if the  
11 application does, then the Department shall approve  
12 the renewal application. If the application fails  
13 to meet any one of these criteria, then the  
14 Department shall deny approval.

15 This public hearing provides a venue  
16 for persons having interest, which may be adversely  
17 affected by the decision on the application, to  
18 provide oral or written statements and any other  
19 relevant information for us to consider in our  
20 review.

21 So, now, what does all -- this all  
22 means basically is all your comments provided  
23 through this process will be compiled. They'll be  
24 reviewed and considered and addressed in relation to

1 the standards for permit renewal set by the section.

2 So as your representative tonight,  
3 it's my job to compile the comments. As I  
4 mentioned, I do have the ones from the informal  
5 conference. Anything you provide today will be  
6 added onto this list, but please note that the  
7 Department's decision on the pending permit renewal  
8 application is based on the criteria I just  
9 mentioned in our regulation.

10 So, thank you.

11 If you have -- are you ready? Do you  
12 have anything?

13 MR. NAVARRETE: Yeah.

14 MS. OSIBAMOWO: Okay. All right.

15 So . . .

16 MR. NAVARRETE: Thank you, Kemi.

17 MS. OSIBAMOWO: Thank you.

18 MR. NAVARRETE: Before we start this  
19 public hearing --

20 MS. DECLUE: Can I ask --

21 MS. OSIBAMOWO: Yes.

22 MS. DECLUE: I know this is for  
23 renewal of four permits.

24 MS. OSIBAMOWO: Two permits, yes.



1 MS. DECLUE: Well, also revision one  
2 of Permit 39 -- 399, and revision two of Permit 399.  
3 I consider that four permits, but okay.

4 MS. OSIBAMOWO: Yeah. Technically,  
5 ideally, for the case of this public hearing, we're  
6 only taking comments regarding the renewal of those  
7 two permits.

8 Now, I guess you're talking about the  
9 permitting action related to those two permits.  
10 Those are the only two permits we have.

11 MS. DECLUE: Okay. I guess my  
12 question is: Can -- if there is approval, is it  
13 all -- all of them, or could it be just three of  
14 them or two of them?

15 MS. OSIBAMOWO: So we're only dealing  
16 with these two permits. Any permitting decision we  
17 make would be in regards to just these two permits,  
18 nothing else. Just the renewal of these permit  
19 applications.

20 If they have six permitting actions  
21 in the works with us, it has nothing to do with what  
22 we decide here. Well, I shouldn't say it has  
23 nothing to do. It's -- this is -- any decision we  
24 make regarding this application is based on the

1 renewal application, if that makes sense. No?

2 Okay.

3 MS. DECLUE: Okay. I guess I was  
4 under the impression, like, when -- you know, like,  
5 revision one of 399 permit, that was up for renewal.  
6 Revision two of Permit 399 was up for renewal. I  
7 mean, that was my impression.

8 MS. OSIBAMOWO: The entire permit is  
9 up for renewal.

10 MS. DECLUE: Oh, okay, okay.

11 MS. OSIBAMOWO: So each permit  
12 carries the five-year term. After that five-year  
13 term, it's renewed or not.

14 MS. DECLUE: Okay.

15 MS. OSIBAMOWO: So that's -- that's  
16 what that means.

17 MS. DECLUE: All right. Thank you.

18 MS. OSIBAMOWO: Yeah.

19 MR. NAVARRETE: All right. Are there  
20 any other questions related to this process before  
21 we start?

22 (No response.)

23 MR. NAVARRETE: Okay. At the close  
24 of tonight's hearing, the Department will collect

1 any written comments and statements or other  
2 materials you wish to provide for this  
3 administrative record.

4 I'm going to ask that we start with  
5 six minutes per person and then see how much time we  
6 have left at the end.

7 So, Mr. Schraut, if you would like to  
8 come up.

9 MS. OAKES: And before we begin, I  
10 just would like to -- I'm Amy Oakes, the attorney  
11 for IDNR for the record.

12 I just wanted to remind everyone that  
13 the key difference between an informal conference  
14 where we respond to questions and comments to the  
15 best of our ability, that is different than the  
16 public hearing, which is the furtherance of that  
17 informal conference where any responses to tonight's  
18 questions or comments will be within the appendix of  
19 permit if it is granted.

20 MR. NAVARRETE: Mr. Schraut, start us  
21 off.

22 MR. SCHRAUT: My name is Larry  
23 Schraut. I'm a farmer that has been adversely  
24 affected and will be adversely affected by the

1 longwall mining in the future.

2           Panels four, five, and six have  
3 already affected me, and panel seven, eight, and  
4 nine will affect -- will adversely affect me in the  
5 future.

6           None of you sitting here before me  
7 know the adverse, emotional effect that it's had on  
8 me, watching the sinking of my land and property  
9 that includes 12 grain bins, 2 machine sheds, and a  
10 garage.

11           I've spent my entire farming career  
12 caring for and improving the land for the next  
13 generation.

14           I think the IDNR land reclamation  
15 specialist needs to be more proactive with the  
16 landowners affected by this mine.

17           And it's not on my thing here, but  
18 I'm very disappointed that a land reclamation  
19 specialist has not showed up at either one of the  
20 informal conferences or this hearing. It's kind of  
21 like out there in the field, he never shows up  
22 either, and he rubber-stamps every monthly report.  
23 It's very disappointing to me.

24           I know my flat farmland with minimal

1 erosion could never be the same because of the 6-,  
2 the 7-foot slopes, and the uneven subsidence.  
3 Normal farming practices will have to be changed to  
4 more time-consuming and costly ways to compensate  
5 for the subsided land surface and the drainage  
6 issues.

7 Contractors' cost should not be a  
8 factor in the best reclamation work, and my goal,  
9 which is requiring hundreds of hours of my time, is  
10 to have it reclaimed to the best possible.

11 And, like I say, I'm disappointed  
12 that a land reclamation specialist doesn't show up  
13 and spend a little -- and he would get paid for it.  
14 I'm not getting paid for it.

15 MR. NAVARRETE: Thank you,  
16 Mr. Schraut.

17 Would the next person who would like  
18 to speak step forward? And then please just  
19 introduce yourself when you get to the podium.

20 MS. BLUMENSHINE: My name is Joyce,  
21 J-O-Y-C-E; Blumenshine, B-L-U-M-E-N-S-H-I-N-E.

22 I want to thank the IDNR staff for  
23 being here tonight, to the Hillsboro County for the  
24 use of this courthouse, and particularly thank you

1 to IDNR for your cognizance of the unsafe driving  
2 conditions. I heard from local residents they were  
3 iced-in because they couldn't get up the hilly  
4 driveway or that country roads were not treated, and  
5 the highways might have been, but thank you for  
6 rescheduling this hearing.

7           These hearings are very important,  
8 and I cannot help but reflect on the original  
9 heroines and heroes of Illinois, including Jane  
10 Johnson, who in the 1960s and 1970s trekked to  
11 Springfield and trekked to Washington, D.C., to be  
12 sure that our nation and this state were protected  
13 with regulations for coal mining. So I honor the  
14 legacy of those who have come before us tonight.

15           I appreciate that our Northern  
16 Regional IDNR Division Director is here and reviewed  
17 the rules because that's what I want to speak to  
18 tonight.

19           It's my opinion that these permits  
20 should not be renewed, and I ask IDNR not to renew  
21 the permits. Clearly, to me, the renewals do not  
22 comply with 62 Illinois Administrative Code, Section  
23 1774, letter (c), approval process, starting with  
24 number 1 criteria for approval.

1           I don't see that the terms and  
2 conditions of the existing permit are being  
3 satisfactorily met because Hillsboro Energy has  
4 failed and is failing to succeed to have the surface  
5 land areas affected by underground longwall mining  
6 activities -- and this is in quotes from the  
7 regulation -- "restored in a timely manner to  
8 conditions that are capable of supporting the uses  
9 which they were capable of supporting before any  
10 mining or to higher or better uses." Closed quote.

11           While the word "timely" is nothing I  
12 could find expressly defined, IDNR has to be aware  
13 that the ponded field areas due to longwall  
14 subsidence at the Deer Run Mine Permit 399, have  
15 remained underwater and incapable of being farmed  
16 for over three years.

17           Additional problems with longwall  
18 subsidence: Ponding, the lack of ability of the  
19 mine to adequately drain and maintain drainage of  
20 the longwall areas will clearly continue through the  
21 years -- the five years of these renewals -- because  
22 the mine is continually creating more drainage  
23 problems as it subsides ground unevenly in the  
24 longwall panels.

1                   And these are not just short drops.  
2                   Some are 6 to 7 feet as local residents have  
3                   mentioned.

4                   IDNR approved the mine permit to go  
5                   from upstream -- actually, from the headwater stream  
6                   down against the drainage. So it's going to  
7                   constantly not only be having to deal with the fact  
8                   that the watershed drainage is fighting against the  
9                   natural drainage, but also that the longwall  
10                  subsidence is compounding the constant impacts on  
11                  drainage, and concerns for mixing those soils, and  
12                  excavating or dredging drainages, soil compaction  
13                  from machinery, and other ongoing work will be  
14                  band-aids in an effort to return a very different  
15                  ground topography and drainage to pre-mining  
16                  conditions. The mine is failing to restore land in  
17                  a timely manner and will continue to do so if these  
18                  permits are approved.

19                  Letter B. The present surface mining  
20                  and the reclamation, including the effects from the  
21                  underground mining, are not in compliance, as I see  
22                  it, with the environmental protection standards of  
23                  the Act and the regulatory program. It is very  
24                  difficult to understand how the ongoing ditching of



1 Bearcat -- all one word, "Bear" with C-A-T -- Creek  
2 and the Hillsboro Energy reclamation are in  
3 compliance with the regulatory program.

4 I refer to appendix F -- letter "F"  
5 as in Frank -- to revision number 2, Permit 399,  
6 that states in quotes: "The Department will review  
7 the performance of Hillsboro Energy subsidence  
8 control plan in the field concerning prompt and  
9 effective mitigation. Quarterly reports detailing  
10 the compliance with 62 Illinois Administrative Code  
11 1817.121, as required in the original Permit 399,  
12 shall continue for areas approved . . ."

13 And that was for revision number 2.

14 And I hear that's not the specific permit, but  
15 clearly -- and this follows. In the original Permit  
16 Number 399, I want to ask: What has the IDNR  
17 learned from the Hillsboro Energy quarterly reports  
18 which were required in the original Permit 399?

19 I want to ask: What guidance has  
20 IDNR given to Hillsboro Energy to adjust their  
21 mitigation planning based on what is really  
22 happening on the ground and the observed erosion,  
23 ponding of water, and other mine work the mine has  
24 done?

1                   What is IDNR's definition of timely  
2 restoration for returning fields to a farmable  
3 condition? If the current practices being used by  
4 the mine continues for another five years, how many  
5 more fields will be left ponded? How much more  
6 topsoil will be washed away?

7                   And the question has to be asked:  
8 How is continuing the same practices accomplishing  
9 the necessary reclamation in a timely manner and in  
10 accordance and compliance with the full regulatory  
11 program?

12                   Letter C.

13                   And I'm mindful of my time, and I can  
14 stop after this if I need to.

15                   The requested renewal substantially  
16 jeopardizes the operator's continuing ability to  
17 comply with the Act and the regulatory program on  
18 existing permit areas.

19                   And here's my thoughts on that,  
20 because I don't see how they can continue in the  
21 same manner.

22                   Clearly, costs for reclamation work  
23 will continue escalating, and more acres are going  
24 to be mined for five years, and more reclamation

1 will consistently be needed. The concerns about  
2 mine finances clearly -- previous humongous  
3 bankruptcy -- clearly, concern has been mentioned in  
4 the informal conference, lack of bonding for the  
5 shadow areas have been made before.

6           And at the informal conference, I  
7 presented exhibits detailing concerns about the  
8 ever-increasing load of heavy metals, toxins to  
9 public health and safety and to the environment for  
10 ongoing mining in the coal slurry impoundments and  
11 concerns that there will not be, you know, an end to  
12 those. There will be more coal slurry impoundments.

13           So Foresight Energy, the parent  
14 company for Hillsboro Energy, has had one documented  
15 coal slurry impoundment emergency, a slope side just  
16 mentioned before just months ago, and residents in  
17 the area were so frightened, they left their homes  
18 out of a fear of a breach of that impoundment. I  
19 don't have any news reports. I've been searching.  
20 There's nothing that I can find online. I did a  
21 FOIA to the Illinois Emergency Management Agency,  
22 which came up blocked at every line.

23           But, anyway, there's a rumor. I  
24 can't say it's true. I haven't been down there.

1 But I can say there's a rumor that there was a slope  
2 slide at the Sugar Camp Mine recently. That's  
3 another Foresight project -- same engineers, same  
4 kind of attitudes. And we know, those of us who  
5 have been involved in this long enough, that there  
6 were questions about the quality of the compaction  
7 work at the permits under 399 and  
8 3 -- I'm sorry -- 434.

9 So I raise these here tonight as my  
10 submissions on reasonable issues that why these coal  
11 mine permits cannot be approved.

12 And if I'm at time, I'll stop and  
13 come back with one closing part.

14 MR. NAVARRETE: I mean, if it's  
15 quick, go ahead.

16 MS. BLUMENSHINE: Thank you very  
17 much, Hearing Officer.

18 So in summary, I have given a list of  
19 reasons of why it's hard to see how this renewal can  
20 comply, and considerations including what we, as the  
21 public, see as repeated violations by this company,  
22 in general, referring to Foresight and concerns for  
23 the Deer Run Mine, and at the very, very least, I  
24 want to raise that there are concerns for agency

1 actions that could be taken according to the  
2 existing regulations, and I have four in closing.

3 Number one, the agency could require  
4 additional bonding. 62 Illinois Administrative  
5 Code, Part 1800, at Section 1800.4 at letter (b) has  
6 that the Department shall determine the amount of  
7 bond.

8 And it goes on with the wording in  
9 quotes: "When other relevant conditions change,"  
10 and then it goes, "According to the requirement of  
11 Section 1800.15."

12 And then Section 1800.15 is  
13 adjustment of amount. And at (a) it has -- and in  
14 quotes: "The amount of the bond or deposit required  
15 and the terms of acceptance of the applicant's bond  
16 shall be adjusted by the Department from time to  
17 time as the area requiring bond coverage is  
18 increased or decreased or where the cost of future  
19 reclamation changes."

20 And I just lift that up as what we  
21 clearly see on the ground.

22 Number two of concerns of what the  
23 agency is asked to do if, in the worst case, the  
24 permits are renewed, which I really don't think they

1 should be -- so number two. Require more detailed,  
2 realtime, descriptive, on-the-ground reports from  
3 the mine regarding subsidence impacts and what is  
4 being done via mine reclamation work with photos  
5 that capture the actual on-the-ground conditions.  
6 That doesn't seem too out of line. Because in  
7 Permit 399, the subsidence control mitigation plan  
8 was a map of the modeling on the ponding map where  
9 the mine company at that time, which has been many  
10 years ago, thought the ponding would occur. And it  
11 would be good to have more specifics maybe to  
12 document all of that and compare it to the original  
13 permit approvals.

14           Number three. Why can't IDNR  
15 inspection reports detail also on-the-ground issues,  
16 photos, and full observations, time-relevant  
17 observations what is happening with the mine to have  
18 an ongoing, complete report of the seasonal changes  
19 and other effects?

20           And then, lastly, number four, why  
21 can't IDNR provide assistance to property owners in  
22 understanding the mine's responsibilities and the  
23 property owners' rights? There is, you know, what I  
24 would say opportunities for the mine to consult with

1 IDNR. We know those things are as set up -- and it  
2 can happen, of course. The responsiveness to the  
3 public, if they have questions, is something I'm not  
4 conversant with, but have a lot of concerns about  
5 from other third-hand reports.

6 So thank you, sincerely, for your  
7 time tonight in consideration of these comments, and  
8 I have a written copy.

9 MS. OSIBAMOWO: Thank you very much.

10 MR. NAVARRETE: Thank you,  
11 Ms. Blumenshine.

12 Whoever would like to speak next,  
13 come to the podium.

14 MS. DECLUE: This is -- okay. Mary  
15 Ellen DeClue from Litchfield, Illinois.

16 Thank you very much for rescheduling  
17 this meeting. You have a challenging task ahead of  
18 you, much like other regulatory agencies in the  
19 United States that oversee coal mining.

20 The coal industry has dominated for  
21 over two centuries, and residents and coal  
22 communities have suffered. There must be  
23 improvements in the transition away from coal for  
24 communities.

1           Your decision regarding how renewals  
2 are evaluated is critical to the future of  
3 Montgomery County. This coal renewal is not  
4 justified, given the history of past, irresponsible  
5 violations of policy and harm to our communities.

6           I respectfully request that the  
7 permit renewal application by Hillsboro Energy,  
8 LLC -- HEL -- be denied. This action would improve  
9 the health, safety, and economic growth of  
10 Montgomery County.

11           The erosion of economic development  
12 in our community must be addressed. Foresight  
13 Energy, the owner of Deer Run Mine, along with  
14 several other mines in Illinois, has not been a  
15 responsible overlord in the host communities in  
16 Illinois.

17           Neighbors of Pond Creek Mine in  
18 Williamson County were scared for their safety when  
19 there was a slope slide of the retention pond at  
20 Pond Creek Mine in December of 2023. There was not  
21 adequate communication among the mine, IDNR, and  
22 vulnerable neighbors.

23           With an unsuccessful attempt to put  
24 out a fire in the Sugar Camp Mine in Franklin County



1 in September of 2021, 46,000 gallons of toxic foam  
2 were dumped into this Foresight mine known as  
3 "forever chemicals," perfluoro alkyl substances, or  
4 PFAS -- it's P-F-A-S -- ended up contaminating  
5 surrounding farmland and surrounding ground and  
6 surface waters.

7 A resident activist photographed the  
8 foam in a nearby farm field and in a tributary to  
9 Akin Creek and submitted the evidence to the  
10 Illinois EPA and the Chicago Tribune. Both the fire  
11 and Foresight's responses had remained secret until  
12 the activist documented and reported the incident.

13 Foresight officials also hired  
14 contractors to drill boreholes into the mine without  
15 a permit from you guys.

16 In a press release, Attorney General  
17 Raoul stated that Sugar Camp jeopardized public  
18 safety and irresponsibly violated state and  
19 environmental statutes. He stated that exposure to  
20 PFAs can cause long-lasting damage to the  
21 environment and poses a serious risk to public  
22 health.

23 Foresight was negligent regarding the  
24 miners' safe exit when exiting from the fire and its

1 indiscriminate dispersion of the PFAs. Foresight  
2 received a citation from MSHA, but -- sorry -- from  
3 MSHA for risking the safety of the miners and not  
4 alerting them of the fire immediately.

5           The toxic impacts from the PFAs were  
6 very apparent, harming farm animals and wildlife in  
7 areas surrounding where the PFAs were used. Several  
8 farmers living near the mine have lost over a  
9 hundred and ten livestock, have new upwelling  
10 springs containing the PFAs, tumors on the lips of  
11 deers, malformed fish in a nearby pond.

12           One of the severely affected  
13 neighbors, the Dennis Clark family, filed a  
14 complaint against Foresight Energy, LLC, and  
15 associates, in the Circuit Court. Foresight moved  
16 to dismiss the complaint or compel arbitration. The  
17 back-and-forth filings between Clark and Foresight  
18 ended with Clark being forced into arbitration.  
19 This tragedy is another example of coal privilege  
20 and coal's harmful influence on communities.

21           Foresight Energy has shown by its  
22 actions that the primary mode of operation is to  
23 maximize profits while risking the safety of its  
24 employees, the safety of neighbors, while using the

1 environment as its waste receptacle. Tragically,  
2 five miners have lost their lives at the Sugar Camp  
3 Mine since 2008.

4 In addition, Foresight has not  
5 carried out the best management operations that are  
6 designed in the four Deer Run Mine permits under  
7 consideration. There are serious concerns about why  
8 the original operation of Deer Run Mine was not  
9 designed to address the appropriate safety issues  
10 that offset pyritic sulfur's known ability to create  
11 spontaneous combustion and hotspots in longwall  
12 panels.

13 Deer Run Mine started longwall  
14 production in 2012, develop its first hotspot in  
15 2014, followed by another in 2015, with a mine being  
16 sealed in 2016. MSHA, finally in 2019, required  
17 Deer Run Mine to develop an alternate method of  
18 mining coal. Deer Run Mine was switched from a  
19 bleeder system to a U-type ventilation plan,  
20 according to Mark Cornell, president of Patton  
21 Mining, LLC at the time. I think this was in  
22 January -- January of 2020, but I'm not sure of the  
23 date.

24 If revision two of Permit 399 is

1 renewed, more high-hazard impoundments will be  
2 needed to impound the toxic wash-water from the coal  
3 preparation plant that is located very near  
4 Hillsboro Hospital. The threat of failure of the  
5 two high-hazard coal slurry impoundments is a  
6 deterrent for community development, especially when  
7 the placement of these impoundments endangers the  
8 lives of residents and a drinking water supply.

9           The required water monitoring for  
10 coal mine permits is not extensive enough to  
11 determine the amount of contamination in the  
12 surrounding areas. Even with the adequate  
13 monitoring, most of the 400 violations of Foresight  
14 involves water with many still having a status of  
15 not being abated.

16           Sugar Camp has often been found on  
17 EPA's chronic violators' list of the Federal Clean  
18 Water Act. As far as air pollution is concerned,  
19 there are no coal dust restrictions in Hillsboro.  
20 Air pollution is a very real, ongoing health problem  
21 for coal communities.

22           The damage to farmland that  
23 was -- that has happened from longwall mining is not  
24 in agreement with the outcomes presented in

1 Permit 399 from subsidence. The flooded fields with  
2 drainage obstructions are not -- excuse me -- are  
3 not restored if restoration is possible. Some of  
4 the fields have not been capable of planting for  
5 over three years.

6           Contemporaneous reclamation required  
7 by SMCRA is not happening at Deer Run Mine.

8 Reclamation of coal mine sites is an expensive,  
9 time-consuming process that coal operators are  
10 obligated to complete. However, with a declining  
11 coal industry, realizing this actual reclamation is  
12 even more at risk. This failure to reclaim mine  
13 sites places surrounding communities at risk of  
14 landslides, catastrophic flooding events, water  
15 pollution, and additional health and safety hazards.

16           Citizens Against Longwall Mining, or  
17 CALM, recently signed a letter in support of a 2024  
18 reclamation policy platform to address modern-era  
19 coal mine costs and liability. The policy document  
20 is a summation of a broad coalition working together  
21 for several years led by the Appalachian Law Center  
22 and Appalachian Voices. By adopting improvements to  
23 federal laws and regulations, we can help ensure  
24 that coal communities like ours will no longer be

1 left with degraded land and water resources.

2           Neither coal communities nor  
3 taxpayers should be burdened with reclamation costs  
4 and cleanup from post-1977 mines that are inactive  
5 or closed. Prior to 1977, the Abandoned Mine Lands,  
6 or AML, fund is supposed to cover reclamation costs  
7 of these mines.

8           With the declining market for coal,  
9 and climate change issues, coal companies can  
10 financially or -- I'm sorry -- coal companies are  
11 financially compromised. To delay reclamation, coal  
12 operators classify the mine as active when the mine  
13 is basically abandoned. The term "zombie" describes  
14 the status and function of the orphaned mines.

15           MR. NAVARRETE: Ms. DeClue, you're  
16 over time. Are you almost done, or can we come  
17 back?

18           MS. DECLUE: Come back.

19           MR. NAVARRETE: All right. Let's do  
20 that.

21           MS. DECLUE: Thank you. You've been  
22 very kind.

23           MR. NAVARRETE: Would you like to  
24 come on up, ma'am?

1 MS. DRESSEN: My name is Karyl  
2 Dressen.

3 I want to state my opposition to the  
4 renewal of Hillsboro Energy's Deer Run Mine, Permits  
5 399 and 424.

6 I'm a resident of Montgomery County.  
7 I grew up on a farm in the area being longwall  
8 mined, and my family still lives and farms there.

9 What have I observed since these  
10 permits were first approved? There is now a coal  
11 processing facility near the adjoining towns of  
12 Hillsboro and Schram City. There are two  
13 high-hazard coal slurry impoundments containing  
14 contaminating waste from washing the coal.

15 I learned at a hearing for Permit 424  
16 that a failure at the impoundment could inundate  
17 part of the town. An entire farming community is  
18 gone; land, taken up by the processing facility and  
19 slurry impoundments, can no longer produce crops.  
20 More than a dozen homes within the first mine panels  
21 have been torn down. Leaning and damaged structures  
22 remain at a few sites.

23 For the past three years, county  
24 residents have endured delays and detours on a state

1 highway, Route 185, due to subsidence damage from  
2 longwall mining. A long section is still reduced to  
3 20 miles per hour due to severe pavement distress.

4 I've witnessed the ongoing  
5 devastation to my family's farm fields for three  
6 years. Once level farm fields are now subsided 6 to  
7 7 feet above the longwall mine panels.

8 The room-and-pillar mine passageways  
9 do not subside impeding drainage. The natural  
10 direction of drainage has also been disrupted due to  
11 the direction the panels are being mined and  
12 subsided.

13 Formerly flat fields with good  
14 drainage and minimum erosion now have large areas of  
15 pooled water. Topsoil is lost from erosion on the  
16 slopes caused by the longwall panels and the large  
17 ditches dug as part of the mine's attempts at  
18 drainage mitigation.

19 Revision two to Permit 399 added  
20 7,731.8 more acres of shadow area to be damaged by  
21 longwall mining subsidence.

22 Appendix F in this permit revision  
23 stated, "Hillsboro Energy must correct material  
24 damage resulting from subsidence caused to surface



1 lands, to the extent technologically and  
2 economically feasible, by restoring the land to a  
3 condition capable of maintaining the value and  
4 reasonably foreseeable uses which it was capable of  
5 supporting before subsidence."

6 Level farm ground will never be  
7 restored to what it was before being subsided.  
8 Topsoil lost to erosion cannot be restored. Ground  
9 flooded for long periods of time will never be as  
10 productive.

11 Appendix F stated, "The Department  
12 will review the performance of Hillsboro Energy's  
13 subsidence control plan in the field concerning  
14 prompt and effective mitigation. The Department  
15 will monitor Hillsboro Energy's performance in  
16 meeting land mitigation requirements, replacement of  
17 protected water supplies, and structure mitigation  
18 requirements."

19 It also required the mine to submit  
20 quarterly reports detailing the mitigation  
21 accomplished and outline future mitigation planning.  
22 There are no details in the mine's quarterly reports  
23 under monitoring or mitigation. These sections  
24 contain the same cut-and-paste comments in all of

1 the reports for 2022 and 2023.

2           The monthly land reclamation general  
3 inspection reports from IDNR also contained a  
4 cut-and-paste lack of detail. Especially as  
5 pertaining to the shadow area from January through  
6 December of 2023, the report stated the Deer Run  
7 Mine conducts subsidence mitigation to correct  
8 surface-water drainage over the mined-out panels.  
9 The operator is continuing to monitor all longwall  
10 panels that have been mined out and is performing  
11 longwall subsidence mitigation in an appropriate  
12 manner.

13           How is IDNR monitoring Hillsboro  
14 Energy's prompt and effective mitigation in the  
15 shadow area when there are no details in either  
16 IDNR's or the mine's reports on what actual surface  
17 subsidence is being observed in the mine panels are  
18 actual mitigation to correct surface drainage? What  
19 is the timeline for prompt mitigation since one of  
20 my family's fields will now be left unplanted for  
21 the fourth year?

22           Deer Run is currently longwall mining  
23 on panel 6 with 11 more panels approved by IDNR in  
24 revision two in 2021. Renewal of Deer Run's permits

1 means longwall mining and an additional  
2 7,731.8 acres of shadow area, much more than in  
3 their original permit.

4 Renewal means more homes and farm  
5 buildings damaged and farm families displaced, more  
6 public roads damaged, impacts to the west edge of  
7 Coffeen Lake and streams such as Bearcat Creek,  
8 level farm fields permanently altered with large  
9 subsided areas of pooled water due to the  
10 subsidence, and disruptions of the natural drainage  
11 patterns, and added ditching through their fields.

12 Why is the mining company allowed to  
13 damage private and public property, especially a  
14 company that has already filed for bankruptcy once  
15 since the start of operations here and has a history  
16 of violations?

17 Over 400 violations are listed in the  
18 renewal application for the applicant and its owners  
19 with the majority being at the Illinois mines.

20 Coal falls under the umbrella of  
21 Illinois Department of Natural Resources, but clean  
22 air and water and productive farmland are also one  
23 of the state's natural resources. Even the mine  
24 company referred to the valuable farm ground that

1 overlies the shadow area in an application.

2 In closing, I would like to reference  
3 some comments of the late Catherine Edmiston, who  
4 grew up in Montgomery County, and fought tirelessly  
5 to protect our community from longwall mining. She  
6 pointed out that our area was the beginning of the  
7 broad, flat, prairie land, the richest ground in the  
8 world.

9 She asked: Do we sacrifice that for  
10 future generations for the one-time taking of coal?

11 Thank you for the opportunity to  
12 speak.

13 MR. NAVARRETE: Thank you,  
14 Ms. Dressen.

15 Please.

16 MR. SCHROEDER: Yes. My name is  
17 William "Bill" Schroeder. I live in Hillsboro,  
18 11 -- 62049.

19 I'm going to touch on some of the  
20 subjects that previously were addressed by  
21 Ms. Blumenshine and Ms. Dressen about the drainage.

22 Going back to the beginning of the  
23 permitting process of 399 when this first came to  
24 town, the public hearings that were held, there was

1 a guarantee by the mine and IDNR that there would  
2 be -- that a comprehensive drain plan, somehow or  
3 another, would be comprised and adhered to going  
4 forward.

5 This personally -- the beginning was  
6 that the drainage plan would be modeled on the first  
7 two panels, which, as it turned out, the first two  
8 panels, the drainage was from the south to the  
9 north.

10 After that, which they wouldn't -- or  
11 complete a plan, which it seemed to be a little odd  
12 at the time, because from there forward, the  
13 drainage was going to be from the north to the  
14 south. So everything that was easily done -- the  
15 first two panels -- which the second panel drained  
16 into the first panel, so that was no big deal.

17 From now on, the panels drained to  
18 unmined area, and so far it's been required that  
19 there would be -- and the farther south this goes,  
20 the more complicated it gets.

21 There was a lot of concern at the  
22 beginning of this hearing process back then about  
23 ditches that would have to be dug and how much  
24 ground that they would take out of place. It was

1 guaranteed: No, that wasn't going to be a problem.

2 Well, as it turns out -- you can  
3 witness it yourself -- there's been some tremendous  
4 ditches, and from my -- from what I've learned or  
5 what I know, without any approval from the Corps of  
6 Engineers. If I were to go out and dig a ditch like  
7 that, the Corps of Engineers would have me in jail  
8 the next day. So I don't understand how that works.

9 But the concerns that big ditches  
10 with big, long, black, back slopes would be taking  
11 out even more productive farmland has come to pass,  
12 and it seems like the only way that it's going  
13 to -- the drainage would be completed with -- would  
14 be more ditches and more ground taken out of  
15 production, including the ground that was already  
16 flooded.

17 The beginning -- the -- excuse me.

18 As I see it with the ponding, without  
19 digging ditches, there would have to be either  
20 something installed like pumping stations or lift  
21 stations similar to what some of the distant  
22 subdivisions have to use for municipal sewer  
23 systems.

24 If this is the case, rather than dig

1 ditches, if this would be part of the plan, then,  
2 again, it raises the question: Who is going to pay  
3 for them? How will they be maintained? And  
4 the -- and where will they actually go to? I mean,  
5 will they -- will they pump to a bigger ditch, or  
6 how will that work?

7           Anyway, my concern, again, is that as  
8 the farther south you go -- and I am south -- the  
9 more complicated the drainage gets, and as of to  
10 right now, as near as I can tell, there has never  
11 been the promised drainage plan completed or filed  
12 in any -- in any portion of the DNR.

13           So my request is: Up and until there  
14 is at least some type of comprehensive drain plan  
15 that would detail how this was going to take place,  
16 how much ground would be taken out of production,  
17 and how it would be influencing the natural flow of  
18 water, I would hope that there would be a hold on  
19 this permit until that is completed.

20           I appreciate that, and thank you very  
21 much.

22           MR. NAVARRETE: Thank you.

23           MS. OPLT: Good evening. My thanks  
24 to the IDNR for hosting this public hearing and

1 allowing the people in this room to voice their  
2 truths.

3 My name is Toni Oplt. I live in  
4 Edwardsville, Illinois. I am a member of the  
5 Illinois Sierra Club; I chair the Metro East Green  
6 Alliance; and I cochair the Illinois chapter's  
7 Conservation Committee. I'm also a commissioner on  
8 the Illinois Nature Preserves Commission. And while  
9 I hold no authority to speak on behalf of these  
10 organizations, save Metro East Green Alliance, I  
11 come here today to speak my own informed truth to  
12 power.

13 I began in a place many do not wish  
14 to go at the threshold of climate change. Climate  
15 change is here and threatens global well-being  
16 daily, but acknowledging it requires us to say out  
17 loud that it is the truth; requires us to act  
18 accordingly by reducing human manifested carbon  
19 emissions at a global scale in ways not everyone  
20 will favor.

21 One of my proudest moments as an INPC  
22 commissioner was being directed to the IDNR's  
23 climate action plan, plain to see on your website  
24 for everyone. It is -- and I quote -- a roadmap for



1 zero greenhouse gas emissions by 2050. The IDNR  
2 climate action plan outlines strategies for reducing  
3 emissions from operations, buildings, and  
4 transportation, increasing renewable energy  
5 production, and helping Illinois natural resources  
6 be more resilient to the impacts of climate change.  
7 So you see, in my mind, that's what we call "walking  
8 the walk."

9           So I am somewhat confused by the  
10 intention you entertain to renew Hillsboro Energy's  
11 permits for the next five years, allowing it to  
12 continue its extractive, polluting, and  
13 community-destroying activities in the face of  
14 climate change.

15           Of course, I could speak to the air  
16 pollution the mine forces on the community to suffer  
17 through 24/7, the loss of habitat and species to its  
18 ongoing extraction, the multiple violations the  
19 company has incurred while continuing with seeming  
20 impunity for profit, the destruction of family farms  
21 and homes caused by the mine's planned collapsed  
22 panels, the continually flooded and collapsed public  
23 roads that threaten to hinder any emergency  
24 vehicles, not to mention seriously impacting the

1 lives of residents.

2 I could talk about the few number of  
3 jobs the mine actually provides in a highly  
4 mechanized operation that sends underground workers  
5 to their grave years earlier than expected with  
6 deadly black lung, or the fact that no one truly  
7 profits from the mine's operation but the energy  
8 company itself.

9 But I will rest my truth on climate  
10 change, the one undeniable truth from which no one  
11 will escape, not even the CEO of Hillsboro Energy.  
12 Of course, we could follow the steps like the IDNR's  
13 climate action plan. We could shut down this mine  
14 and others like it.

15 So I come tonight, in truth and good  
16 faith, to ask that your office of surface mines and  
17 minerals deny the permit to Hillsboro Energy as a  
18 positive step toward resiliency in the face of  
19 climate change.

20 Thank you.

21 MR. NAVARRETE: Thank you.

22 MR. SCOTT: Do I need to stand at the  
23 podium?

24 What I -- it's too complex to do in

1 six minutes, really.

2 My name is John Scott. I live in  
3 Champaign, Illinois, but I own land in Hillsboro  
4 Township, and I appreciate the presenters that came  
5 before me, especially Joyce Blumenshine's organized  
6 and thoughtful presentation, as well as everyone  
7 else's. And I probably will not be as eloquent, but  
8 I did hit the print button on my printer.

9 I know the coal company -- is Jeff  
10 here? Is the coal company here tonight?

11 I see Amy, right?

12 MS. OAKES: I think you're referring  
13 to our prior manager, who Kemi has taken his  
14 position.

15 MR. SCOTT: Who has?

16 MS. OAKES: Kemi.

17 MR. SCOTT: You work for the coal  
18 company?

19 MS. OSIBAMOWO: No. I work for IDNR.  
20 So are you referring to Jeff Steiner?

21 MR. SCOTT: No, the coal company  
22 lawyer.

23 MS. OAKES: No coal company lawyer is  
24 present this evening. A representative from the

1 coal company is here this evening.

2 MR. SCOTT: And you're -- what's your  
3 representation, and who are you?

4 MR. CROSS: I'm a representative of  
5 the coal company.

6 MR. SCOTT: You're a miner or what?

7 MR. CROSS: I'm a representative. My  
8 name is Clayton Cross.

9 MR. SCOTT: You're just here? Yeah.  
10 Your background on this -- well, I just represent  
11 myself. I don't represent any companies.

12 But, you know, I'm surprised that  
13 this proceeding has gone ahead. I guess I'm  
14 calling -- I would like to see 399 -- and is it  
15 242 -- not approved.

16 The coal company has been trying to  
17 prove that they don't have standing in the case for  
18 a number of years. I don't know that that's true.

19 You know, my family has lived in this  
20 area for quite a while, and this millstone out in  
21 the yard here comes from the -- off of some -- off a  
22 mill from some land that we own, and we do own land  
23 in Hillsboro Township.

24 I printed this thing off.

1           I had contacted Amy about finishing  
2 the last case, and I haven't received anything from  
3 the Honorable Judge Dan Schuering, regarding  
4 finishing that case, and it's my understanding that  
5 he has to make a judgment -- a final judgment on  
6 this case, whether it's just paperwork or whatever,  
7 before any cases can proceed, because it seems like  
8 these permits are not mutually exclusive, that he  
9 has the right to reject the permit based on that  
10 judicial review, but we haven't heard a final on  
11 that yet.

12           And let's see if I can find the  
13 exact -- here it is on the State of Illinois Bureau  
14 of Administrative Hearings, Department of Natural  
15 Resources.

16           John R. Scott, Joyce Blumenshine,  
17 Mary Ellen DeClue, Citizens Against Longwall Mining,  
18 a nonprofit corporation, petitioner; Department of  
19 Natural Resources and Hillsboro Energy. The matter  
20 comes for a decision . . .

21           And so basically to make it short, he  
22 discounts Blumenshine and DeClue, but he says at the  
23 end that there's a -- let's see. Scott  
24 requests -- one-page letter.

1                   Anyway, he says that my  
2 comments -- he didn't take me off the case and asked  
3 me to write another permit -- I mean write another  
4 response, and then the coal company is to write a  
5 response. So I had two weeks to write a response,  
6 and the coal company had four weeks to write a  
7 response, which they did, and then we didn't hear a  
8 final on that. And I contacted Schuering's office  
9 multiple times, and I emailed Amy, and Amy actually  
10 sent an email saying that -- requesting a response.

11                   Let's see if there's an  
12 updated -- this is from -- if there's an update on  
13 this case, I have not received any communication  
14 from John Scott. It's still pending with BAH. This  
15 is -- thank you, Amy.

16                   And then there's another one. This  
17 is on October 25, '23. As bystander to completion,  
18 I'm looking for an update to DNR OMN LRDP ER  
19 21001 (phonetic). Please -- thank you, Amy.

20                   And I haven't -- I haven't received  
21 anything that I know of either. I haven't received  
22 any emails. I haven't received any written  
23 notifications. So unless I'm, you know, in the  
24 dark, or I don't -- you know, I've missed something

1 here, it seems to me like the last judicial review  
2 has not been completed.

3 MS. OAKES: Mr. Scott, you're aware  
4 that's with the Bureau of Hearings under Judge  
5 Schuering? So Judge Schuering is the one that needs  
6 to respond to that, and then DNR is a bystander  
7 status at that point in this case.

8 MR. SCOTT: What's a bystander  
9 status?

10 MS. OAKES: That means until there's  
11 a ruling on standing or until there's a hearing,  
12 that although I represent the Department, we are not  
13 involved until the permit renewal actually comes  
14 into question. We have to pass standing.

15 MR. SCOTT: Right. Well, I think the  
16 permit renewal was under question -- I mean, that  
17 was part of the judicial review since the judge had  
18 the authority to dismiss the permit, and so since  
19 there hasn't been a judgment on keeping or  
20 dismissing that permit, then I don't see how this  
21 request for renewal can even proceed.

22 MS. OAKES: Okay. And you're aware  
23 that that's something you'll need to take up with  
24 Judge Schuering on the appeal of that part?

1 MR. SCOTT: You told me that.

2 MS. OAKES: Sure.

3 MR. SCOTT: I don't -- I don't  
4 understand the logic of that myself, but it doesn't  
5 seem to make sense.

6 Okay. Now, if we're going to -- with  
7 this other permit -- can I get a copy of this 424?

8 MS. OSIBAMOWO: The entire permit?

9 MR. SCOTT: Yeah.

10 MS. OSIBAMOWO: It's available on the  
11 website.

12 MR. SCOTT: And this 208.144, can I  
13 get a copy of --

14 MS. OSIBAMOWO: The renewal  
15 application, yes, it's on the website.

16 MR. SCOTT: The original permit, I  
17 think there's problems with it that -- you know, I'm  
18 sure that the Illinois DNR -- you know, I appreciate  
19 you as individuals and that you're here, and you  
20 care about these things, but I think the Illinois  
21 DNR has failed in protecting the citizens of  
22 Illinois regarding this longwall mining permit. I  
23 mean, it's got a myriad of problems. I know you're  
24 all going to divorce yourself from the actual



1 problems because you just do the permit.

2           For example, when the mineral rights  
3 were sold back in the late 1800s, early 1900s, my  
4 grandfather was present at some of those signings,  
5 and he told me that the coal company was selling it  
6 as a longwall mining, and that the farmers, if you  
7 signed up, would not be affected by it at the  
8 surface whatsoever. And if there was an unusual  
9 occurrence, it would be a small sinkhole  
10 that -- one, maybe two at the most on your property.  
11 So these people that sold their mineral rights, they  
12 sold them under that basis, not under the basis that  
13 their whole farm and their buildings would be in a  
14 sinkhole.

15           So I think the current mining on them  
16 is being done under false pretenses, and I know you  
17 guys divorce yourself from that reality because  
18 you're just doing the permit process.

19           Also, back -- what was it?

20           19 -- well, a number of years ago, Peabody Coal  
21 decided they weren't going to do the mining anymore.  
22 So they wanted to get rid of the permits -- or their  
23 leases. And so they didn't want to go through the  
24 process of giving them back to individual

1 landowners, so they made a deal with the county.

2 The county would take them and turn them back or do  
3 whatever.

4 The county, instead of turning them  
5 back to the landowners so the landowners could make  
6 their personal choice on whether they wanted their  
7 land destroyed by longwall mining and subsidence,  
8 they sold all the permits to -- that I know of, to a  
9 coal company out east, and so that's where we're at.

10 Now, the current coal company is  
11 mining under the assumption that they have the right  
12 to longwall mine, but nobody that was not the  
13 process -- and I think it's created a lot of hard  
14 feelings and neighbor against neighbor, and it's not  
15 just -- you know, everyone here is responsible for  
16 the destruction that's going on to the land here.

17 You know, we -- it's easier -- easy  
18 for someone to say, "Oh, it's the bad coal company  
19 or whatever that's causing it," but us allowing it  
20 to go on, we're -- we're affecting our neighbors;  
21 we're affecting the environment, especially where  
22 this coal is going.

23 I think the coal miners even know  
24 that they're destroying people's property. They may

1 be down there getting a livelihood, but that's what  
2 the solution is.

3 And I'm impressed that I haven't been  
4 coughing. I'm trying to get over a respiratory  
5 illness. So if I cough, I'm sorry, but I discovered  
6 recently that -- well, I've been diagnosed with  
7 asthma. I live a mile downstream from -- or  
8 downwind from the coal-fired power plant in  
9 Champaign, Illinois, that's owned by the University  
10 of Illinois.

11 MR. NAVARRETE: Mr. Scott, sorry to  
12 interrupt, but I think your time is up, but I think  
13 there will probably be time at the end so you could  
14 come back and finish your thoughts, but I just want  
15 to make sure everyone has a chance.

16 MR. SCOTT: Okay. That's good.  
17 Well, I want to make sure because there's a couple  
18 of important issues with the permit that weren't  
19 taken into consideration by the IDNR that I think  
20 really should be taken into consideration instead of  
21 ignored as usual.

22 MR. NAVARRETE: Okay. Thank you.

23 MR. SCOTT: Thank you.

24 One other thing I wanted to say. I

1 appreciate her mentioning my mother Barbara Scott's  
2 twin sister, Catherine, and her work in this area  
3 also, because her land that my cousins own now is  
4 adjoining our property there.

5 MS. BURGESS: Good evening. Thank  
6 you for this opportunity. My name is Sally Burgess.  
7 I'm the downstate organizing manager for the  
8 Illinois Chapter of Sierra Club, and I provide staff  
9 support for the chapter's mining issues team.

10 The mining team has toured the area  
11 around Deer Run Mine. We've seen with our own eyes  
12 the damage to Larry Schraut's farm and now buildings  
13 and the State Highway 185, but also one of the  
14 issues that the mining team discusses is the glaring  
15 discrepancy between Illinois' goal of being a  
16 national leader on climate and energy policy and the  
17 fact that we're the fourth largest coal producer in  
18 the country.

19 Many coal-fired power plants in  
20 Illinois have retired or have retirement dates.  
21 Utility companies understand the renewable  
22 technologies, such as wind and solar, are rapidly  
23 growing in popularity and are economical and are  
24 therefore the path for the future. Utilities also

1 know that coal is highly toxic, and because of that,  
2 requires expensive technologies to mitigate damage  
3 to air and water.

4 Of course, there's always been a  
5 tension between the role coal has played in  
6 advancing humanity and its dangers to humans in the  
7 environment. As early as the 1300s, according to  
8 the EPA website, the burning of coal was associated  
9 with air that was dangerous to breathe.

10 Quote: "At the turn of the century,  
11 cries to reduce the smoke faced a tough opponent.  
12 Coal was fueling the Industrial Revolution. To be  
13 against coal burning was to be against progress, but  
14 progress won out."

15 But at what cost?

16 NASA has a graphic on its website,  
17 which illustrates the relentless rise of CO2 since  
18 about 1950. Scientists warned back in the 1980s  
19 that we must not exceed the 350 parts per million  
20 CO2. Otherwise life-threatening climate events  
21 would occur more often and be more expensive. We  
22 now find ourselves hitting historical records of CO2  
23 ppm on an annual basis, and all of the consequences  
24 we've been warned about for decades have come to

1 pass.

2           According to the National Oceanic and  
3 Atmospheric Administration's global monitoring  
4 website, yesterday's level of CO2 was nearly 426  
5 parts per million. One year ago, it was 420. Ten  
6 years ago, it was 398. That is the relentless rise  
7 of CO2. As carbon dioxide increases, so does the  
8 global temperature. They go together like hand in  
9 glove.

10           2023 was the hottest year on record,  
11 and according to NOAA, almost the expensive when you  
12 take into account billion-dollar, climate-related  
13 events. And let us not forgot last spring's  
14 drought-related dust storm here in the downstate on  
15 I-55 that involved 72 vehicles, injured over 30  
16 people, and killed 8.

17           So let's take a look at the  
18 contribution coal makes. The Energy Information  
19 Administration reports that combustion of one short  
20 ton of coal will result in nearly three short tons  
21 of CO2 in the environment. Deer Run extracted  
22 4,469,223 short tons of coal in 2022 according to  
23 the IEA's coal data browser and the Illinois Coal  
24 Annual Statistical Report for 2022. Coal extracted

1 results in coal combusted and exacerbates the  
2 relentless rise of CO2.

3 Yes, coal has made a significant  
4 contribution to the advancement of humanity, but for  
5 too long it has been considered necessary.

6 And passing the Future Energy Jobs  
7 Act in 2016 and the Climate and Equitable Jobs Act  
8 in 2021, Illinois made a clear commitment to  
9 advancing beyond dirty coal to the cleaner and safer  
10 alternatives of solar and wind. The State of  
11 Illinois cannot boast of leading the way on climate  
12 and energy policy while at the same time allowing  
13 Deer Run to extract millions of tons of coal.

14 I urge IDNR to deny the permit  
15 renewal application by Hillsboro Energy, LLC. Thank  
16 you for your time.

17 MR. NAVARRETE: Thank you,  
18 Ms. Burgess.

19 Is there anyone else who hasn't had a  
20 chance to speak yet for a first time who would like  
21 to come up?

22 MR. KASTEN: Hello. My name is Allen  
23 Kasten.

24 And me and Larry are probably the

1 most affected by this mine. Do not issue them a  
2 permit.

3 I have dealt with him, and they are  
4 crooked. They have done stuff to us that's  
5 terrible. Our land has been destroyed. It's a  
6 mess.

7 And, second of all, they still have  
8 not paid us for crop damages from last year. It's  
9 ridiculous. These people are a disgrace, complete  
10 disgrace. Somebody needs to help us.

11 And I don't know why you would ever  
12 issue them a permit when you look at all the soil  
13 erosion that they have caused. Look at it. It's  
14 everywhere. If I'd done something like that,  
15 I -- soil and water, you know, I'd lose all my  
16 government payments, everything. It's not right  
17 what they've done. It's illegal.

18 And I will be issuing -- or, well,  
19 filing a lawsuit, and I -- if something don't get  
20 done, IDNR is going to be on that lawsuit also  
21 because you guys have not followed the proper  
22 procedures with things, and I have legal proof of  
23 it.

24 Thank you.



1 MR. NAVARRETE: Thank you,  
2 Mr. Kasten.

3 Is there anyone else who would like  
4 to speak for the first time who has not had a chance  
5 yet?

6 Ms. DeClue, would you like to come  
7 back up?

8 MS. DECLUE: You know it.

9 Thank you for your patience.

10 I think I left off about the zombie  
11 mines, that basically that's mines that have been  
12 established since 1977 that are inactive. They're  
13 not productive. They're sitting there and should be  
14 reclaimed. Okay. Here we go from that.

15 Who will pay the reclamation and  
16 cleanup liabilities of these failed companies where  
17 bonding is insufficient and coal operators are  
18 bankrupt? We see that coal mine bankruptcies have  
19 resulted in forgiveness of environmental  
20 liabilities, health obligations, and pensions, which  
21 is contrary to federal law. Between 2012 and 2017,  
22 four of the largest coal companies in the U.S. were  
23 able to shed almost 5.2 billion of environmental and  
24 retiree liabilities.

1                   In 2016, Peabody Coal declared  
2 bankruptcy in the State of Illinois for 17 cents on  
3 the liability dollar. This resulted in Illinois  
4 accepting 16.1 million for a debt of 92.2 million.  
5 Peabody is still mining and producing more  
6 environmental damage. So not only are coal  
7 operators clued in to how to rid themselves of  
8 financial obligations, but the original debt against  
9 them is not adequate or secure.

10                   Foresight and its subsidiaries filed  
11 for Chapter 11 bankruptcy on March 10, 2020, after  
12 entering a restructuring agreement. The Foresight  
13 Energy longwall mines continue operations in  
14 Illinois without adequate bonding and reclamation  
15 security.

16                   The first problem listed in the 2024  
17 reclamation policy platform was the insufficiency of  
18 existing coal bonding systems that guarantee  
19 reclamation. The bonding required in HEL's permits  
20 are not sufficient to appropriately reclaim the  
21 permit and the shadow area. I'm astounded that the  
22 bonding required for a longwall mine is equal to the  
23 bonding for room and pillar with the same permit  
24 area size.

1 Longwall mining causes extensive  
2 subsidence damage in the shadow area, but not the  
3 permit area. Revision two of Permit 399 must not be  
4 renewed. The 7,731.8-acre addition is not bonded.

5 The environmental damage from  
6 longwall mining is much too destructive. The system  
7 is so off-scale with IDNR giving HEL control over  
8 farmers' livelihoods. With ever-diminishing coal  
9 needs, we must not continue to sacrifice  
10 agricultural, but, rather, we must conserve farmland  
11 and water resources.

12 As the system works now, farmers must  
13 be -- must be compensated for loss of crops during  
14 the times of inability to plant, but not  
15 unfortunately permanent damage to the land itself,  
16 which is terrible.

17 Financial compensation to the farmer  
18 for damage or contamination is an unequal struggle  
19 between the powerful coal operator and the  
20 individual landowner. HEL is not required to cover  
21 material damage to land and water. This is apparent  
22 in the lack of bonding required. It does allow HEL  
23 to longwall mine with extensive destruction with no  
24 time frame for reclamation or compensation. This

1 environmental injustice is not acceptable.

2 As of 2023, there are 32,500  
3 acres -- I'll repeat that. As of 2023, there are  
4 32,500 acres in Illinois of modern mines needing  
5 cleanup with only 6,600 acres partially reclaimed.

6 Of the 400 -- 419 million coal  
7 company bonds in Illinois, 68 percent of these bonds  
8 are held by one company. IDNR must not renew Permit  
9 399, revision one and two of Permit 399, and Permit  
10 424. Instead, start the transition to closure.

11 Excuse me.

12 Another concern in the 2024 policy  
13 platform is the failure of companies and regulators  
14 to plan for mine closures. There needs to be more  
15 stringent requirements for permit renewals so that  
16 regulators can better evaluate the coal company's  
17 reclamation ability. IDNR must reevaluate the  
18 negative outcomes of longwall mining on coal  
19 communities.

20 Why is the state supporting  
21 destructive coal mining since it is not a viable  
22 long-term investment for the community or the state?

23 By denying the renewal of the four  
24 permits, the health, safety, and economic growth of

1 Montgomery County will improve. Do not approve the  
2 renewal of the Deer Run Mine mine permits.

3 Thanks so much.

4 MR. NAVARRETE: Thank you.

5 MS. DECLUE: I will submit the text,  
6 but I also wanted to add all the -- all the  
7 discussion -- excuse me -- all the discussion about  
8 the drainage.

9 At one time -- March 24,  
10 2008 -- the Montgomery County Soil and Water  
11 Conservation District submitted a letter to IDNR to  
12 Scott Fowler, the supervisor, and basically in there  
13 described that the way that the 399 -- the operation  
14 of it, that there would be major drainage problems.  
15 It was pointed out there.

16 Unfortunately, this letter was not  
17 discovered until a couple of years later. It was  
18 not in the findings that IDNR likes -- you know, the  
19 comments of the various departments like Department  
20 of Agricultural. Normally they have the letters of  
21 communication. This was not included, and this was  
22 accidentally found a couple of years later.

23 Yeah, I know, Amy. It surprised me,  
24 too.

1 I'll submit this because I think it  
2 kind of says from the beginning, there was some  
3 major mistakes in the design of Deer Run Mine.

4 MR. NAVARRETE: Mr. Scott, did you  
5 want to come back up?

6 MR. SCOTT: Well, the original  
7 permit, there was a water section that Illinois DNR  
8 exempted the coal company from doing any water  
9 testing because they found, like, three wells, I  
10 think? I think just about everybody in this area  
11 has water wells.

12 So I think that -- I don't understand  
13 how the coal company could be exempted from water  
14 testing when the state requires it, unless they have  
15 an exemption, and that's on Permit 399. I think  
16 just everybody out there has got a water well.

17 And they look on the state's map for  
18 water wells, and on my land it shows a water well,  
19 and there's no water well there. There's other  
20 water wells that it doesn't show. I don't know if  
21 they're looking at a water well on the neighbor's  
22 land, or they just put one in there because they  
23 thought there ought to be one there. I don't know  
24 what the thing is.

1           But then on these -- oh, shows how  
2 you can fix up problems when you -- that you're  
3 responsible -- the mining company, that when you  
4 make a mistake, or you create a -- something that  
5 the federal mining agency thinks is a -- shouldn't  
6 be doing, they shut you down, and you have to show  
7 that you -- you've, what, made restitution or you  
8 fixed that problem?

9           And all of those are -- as I recall,  
10 are from other states. They're from Kentucky, West  
11 Virginia, which in the State of Illinois, it seems  
12 like -- and we know that they have plenty of -- tons  
13 they've been cited in Illinois, but that hasn't been  
14 used in the permits whatsoever that I'm aware of.

15           And it seems interesting to me that  
16 most people, when they have a job, the more  
17 infractions they have -- even though if they show an  
18 excuse or they show they've rectified the  
19 infraction, they usually don't keep their job.

20           I mean, I work two full-time jobs,  
21 seven days a week for over 30 years by working long  
22 hours on weekends and during the week, and it was  
23 always my feeling that I had to do my job perfectly  
24 or pretty close to perfectly -- you know, show up on

1 time -- and on my evaluations not have anything  
2 negative, only positives. But it seems like in the  
3 Illinois DNR permitting process, the more negatives  
4 the coal company has, the better on getting -- as  
5 long as they show how somehow they've rectified it.

6 And they -- IDNR seems to think that  
7 that's okay, which seems, to me, the opposite of  
8 reality. And I think most people out here who work  
9 or have a business find the same thing. If you're a  
10 farmer, and you -- and your equipment is broken down  
11 all the time, if you say you've got it fixed up,  
12 that's not going to fix your problem. You know, you  
13 have to be able to do the work and do it right.

14 And, also, in the State of Illinois,  
15 as it -- from other states, like, for example, other  
16 state licenses aren't that way. Like my Utah  
17 out-of-state concealed carry license is not valid in  
18 the State of Illinois. I've got to go through a  
19 two-day additional class to prove my competency,  
20 even though-- it's a moot point in Utah because they  
21 have constitutional carry now.

22 In addition, I think there's -- I'd  
23 like to read something from the -- let's  
24 see -- conservation status of freshwater clams and



1 mussels. I think the current permit was designed so  
2 long ago that it doesn't apply today. So the format  
3 is wrong, and that's part of the problem. I think  
4 the permit needs to be redesigned for today's  
5 ecological standards and environmental standards  
6 instead of the ones from -- I don't know when. It  
7 was before 2015 this permit came around. Maybe it  
8 was a hundred years ago. I don't know.

9           Let's see if I can find this thing on  
10 the -- anyway, when I was a child, we used to go  
11 down to Shoal Creek, and we pulled mussels out of  
12 the -- besides fishing on Shoal Creek, we could  
13 reach down in the mud and pull mussels out, and we'd  
14 even find some that would have pearls in them  
15 sometimes.

16           But recently, the -- all of the  
17 freshwater mussels in the United States are  
18 endangered, and according to the current research in  
19 part from -- there's a section here that tells how  
20 the U.S. mussel population is the most diverse  
21 animal group in the world. There used to be so many  
22 in the rivers and streams of the United States, but  
23 basically they are not there anymore, and this is  
24 the same Shoal Creek that the coal company dumped a

1 slurry of coal down from -- you know, it went  
2 through Hillsboro here and went down Shoal Creek  
3 adjoining our land where these mussels are.

4           And I think it's federal law that  
5 these kinds of things need to be followed. I don't  
6 think there's just one section of Shoal Creek. It's  
7 the only place in the entire United States where  
8 these mussels are not endangered, and they are  
9 everywhere else. And has that been taken into  
10 consideration?

11           I think there's new evidence of  
12 negative health effects of coal pollution. There's  
13 an article that came out last week that -- in fact,  
14 the EPA just this last week lowered the threshold  
15 for PM 2.5 down to 9. It was up to 35 if  
16 you -- years ago, but that's the small pieces of  
17 coal particles that get in our lungs and go into our  
18 bloodstream and kill us basically.

19           And I was unaware of that when I was  
20 younger because getting up for work in the morning,  
21 people would tell me the dust in the car was related  
22 to farm dust because it was in the farm or whatever.  
23 I didn't think it was the coal-fired power plant a  
24 mile down the street, but I realized recently that I

1 get up in the morning, and I'm going off to work in  
2 the -- when the sun is rising, and all those pieces  
3 of dust are sparkling like glass, and I'm, like, you  
4 know, those are coming from coal dust off of  
5 the -- and we've been -- I've been breathing that in  
6 the last 60 years in my lungs and in my bloodstream.

7           And recent research shows that  
8 anyone, whether it's a plant that has scrubbers on  
9 it or not, is at -- doesn't live as long, is at  
10 higher risk for cardiovascular disease and lung  
11 disease.

12           So it's not just, you know, the bad  
13 coal company dropping, you know, Montgomery County  
14 into a sinkhole. It's affecting the whole world.

15           And where does the coal go? I mean,  
16 besides the trucks that are carrying it up to the  
17 coal plant at the University of Illinois. Most of  
18 the stuff is going to the East Coast and being  
19 shipped off to -- I'm guessing -- I don't know where  
20 it's going. The coal company claims it's not to  
21 China when they were asked, but they are shipping it  
22 out somewhere. And my guess is they couldn't be  
23 shipping it out anyplace that has better standards  
24 for burning coal than we do here in the United

1 States. They're shipping it someplace where that  
2 pollution is going to go into the air, and it's  
3 going to come right back to us.

4 Even here in the United States, we're  
5 finding that people's lives are affected even with  
6 our high standards. So not just here, but -- and  
7 this is high sulfur coal. It's not  
8 anthrax -- anthracite. It's . . .

9 I think that's -- I don't know. I'm  
10 tired of talking, and I think that's some of the  
11 things I wanted to discuss, but I plan to submit an  
12 additional and organized written comment during the  
13 comment time.

14 MR. NAVARRETE: Thank you.

15 Is there any -- yes, ma'am.

16 MS. DRESSEN: One thing. Could I ask  
17 a question on something just to get clarified?

18 Okay. So the renewals of the  
19 Permits 399 and 424, so is the permit renewal for  
20 399 not including the revisions that have been done  
21 to it or some of the boundary revision? I thought  
22 everything was included in this.

23 MR. SCHAFER: Let me see if I can  
24 explain it.

1           So you have the permit on the 399,  
2 and you have the Permit 424.

3           MS. DRESSEN: Yes.

4           MR. SCHAFER: We combined it -- Kemi  
5 said at the beginning of the hearing, we decided to  
6 combine so we can look comprehensively at the entire  
7 mine operations during the renewal process. So we  
8 combined all of the mine permits into one renewal  
9 process. So we're not just looking at the 399 when  
10 it comes up for renewal. We're not looking at just  
11 424 when it comes up for renewal.

12           When you have a revision application,  
13 that revision is a change in operations in some  
14 manner. That really doesn't affect the renewal,  
15 because once we issue the permit, 399 or 424, they  
16 both have the opportunity for renewal for another  
17 term. So this is what we're discussing: The  
18 renewal of the terms for those two permits.

19           The 399 revision, one and two, is a  
20 revision to the operations in some form. That  
21 doesn't affect the term of the permit that was  
22 issued for 399.

23           This is an example. I don't know the  
24 dates. We issue a permit in 2013. They ask for a

1 revision of some sort in 2015. That permit that was  
2 issued in 2013 is up for renewal five years later.

3 Help me. 2018. Thank you.

4 The 2015 revision is not going to  
5 have its own renewal because that revision is part  
6 of that 399 permit, okay? So when we talk about  
7 revision applications and renewal applications,  
8 there are applications to either change something in  
9 the operations plan or to renew the permit that they  
10 already have issued.

11 MS. DRESSEN: So if revision two is  
12 approved in 2021, then is it coming up --

13 MR. SCHAFER: There is no renewal for  
14 a revision.

15 MS. DRESSEN: It's included -- it is  
16 grandfathered in with the big permit, correct?

17 MR. SCHAFER: It's a revision to the  
18 application.

19 MS. DRESSEN: Okay.

20 MR. SCHAFER: It's not a new permit.  
21 It's a revision to the operations of the permit.

22 We don't start over and say, "Okay.  
23 You made a revision in 2015; therefore, now your  
24 renewal date is 2020."

1           What we're saying is that there's a  
2 revision in operations.

3           MS. OAKES: So revision becomes part  
4 of the permit, and then the permit renewal is every  
5 five years where we did the synchronization. So it  
6 didn't come every five years because it became the  
7 shorter amount of time, and then they're reviewed  
8 together. So it's changes within the permit, and  
9 the permit length is what's up for renewal.

10          MS. DRESSEN: Okay. I have just one  
11 more question.

12           I think you'd mentioned that, like,  
13 whenever they were talking about Permit 424, it was  
14 on the IDNR website. I'm not finding some of these  
15 permits on the website.

16           In fact, like, when this came up for  
17 some different things, the only way we've seen it on  
18 the website is -- and I appreciate it. I've asked  
19 Mr. Schafer, because sometimes it will say do you  
20 want to see this? It's in the office at Springfield  
21 at IDNR, which is quite a distance, as you know, to  
22 go to look at it.

23           When I've mentioned that and asked,  
24 Mr. Schafer has put some of them online, but I'm not

1 seeing the older permits on the website. It's only  
2 the ones that are pending.

3 MS. OAKES: The renewal is what's  
4 pending, because these permits have a tendency to go  
5 back so far. So once the original 399 is granted,  
6 that's what -- if we have the capability, then it  
7 would have been on the website.

8 Then when the renewal comes along,  
9 it's the renewal application that goes on the  
10 website. The other one has already been granted and  
11 passed that time. So the renewal part of the  
12 application, we don't go back to the original  
13 application to look at the renewal.

14 MS. DRESSEN: Okay. If anyone would  
15 want to view those original ones, then the only  
16 place that it's going to be available is to  
17 come -- is there a physical copy that you can look  
18 at, at --

19 MR. SCHAFER: We have electronic  
20 copies of our applications.

21 MS. DRESSEN: Okay.

22 MR. SCHAFER: Normally we ask  
23 citizens or anyone to ask for a FOIA or through a  
24 FOIA for that particular application, and we can



1 provide it for you that way.

2 Applications are usually put on our  
3 Web page when they're in the process of being  
4 reviewed so everybody has access to it. We hold on  
5 to them for 30, 40 days afterwards on our Web page.

6 Once the informal -- I'm  
7 sorry -- the administrative review period is past,  
8 we usually take those down off our Web page because  
9 of storage availability. We do have electronic  
10 copies of them, and we can get copies to you for  
11 that. We just ask that you go through a FOIA, and  
12 you ask for that so we have records of everything.

13 MS. OAKES: They've been filed with  
14 the county for every renewal process, so they are  
15 still available through the county.

16 MS. DRESSEN: Okay.

17 MS. OAKES: Again, that's  
18 geographically more appropriate because they are  
19 huge files, and sending them electronically  
20 sometimes is an issue. But they are  
21 always -- that's why we denote in the beginning that  
22 they are filed with the county.

23 MS. DRESSEN: Okay. I want to submit  
24 my comments tonight, but I also want to submit

1 photos again. We've talked about documentation of  
2 what's going on in the shadow area.

3 You can certainly ask my brother  
4 what's going on. The Kasten family can tell you  
5 what's going on with these farms.

6 So I mentioned about there seems to  
7 be a lack of detail in the reports that I've FOIA'd  
8 both from IDNR and from the mine, but, obviously,  
9 I've been documenting some of what this land looks  
10 like after being subsided. So I want to submit that  
11 then with my comments.

12 I have photos of a field of my  
13 brother's that was subsided with panel five, photos  
14 from back in -- starting in March of '23. I have  
15 photos and drone photos of the same field. That  
16 field is still not draining. The way they drain it  
17 is they have pumps out there that are pumping the  
18 water out. So that's been almost a year now on it,  
19 and I want to submit the photos from it.

20 Panel six is the panel that they are  
21 currently longwall mining. That's the one that my  
22 brother referred to with the buildings that have  
23 been subsided. I have a photo of some of the  
24 surface cracks from that subsidence, a photo of what

1 his field there looked like before and after  
2 subsidence. So I want to submit those also to let  
3 you know -- and the photos don't really do it  
4 justice either with what these fields look like.

5 I also have a photo showing you some  
6 of the ditching that is done to try to correct some  
7 of this, these huge ditches that are dug because the  
8 drainage isn't going in the natural pattern. So I'd  
9 like to submit those then, too, with my comments.

10 Thank you.

11 MR. SCOTT: I thought of something  
12 else I didn't mention.

13 Do any of you know if -- I mean our  
14 governor is an environmentally conscious guy. You  
15 know, he went to -- I think, in Europe, he went to  
16 an environmental conference when the president and  
17 other dignitaries were there. Is he aware that he's  
18 on the first line at the top of these permits as  
19 approving these permits? I can't believe that he  
20 is. Do you know if he's aware of that?

21 MS. OAKES: Mr. Scott, any -- any  
22 comments and questions that are going to be  
23 responded to were responded to within the informal  
24 conference or the public hearing. As I stated

1 earlier, we will respond to those within the  
2 confines of the appendix if the permit renewal is  
3 granted.

4 MR. SCOTT: Okay.

5 And another thing I was curious  
6 about, is there anybody in the audience here that's  
7 opposed to this being recorded? So it's just the  
8 DNR that's opposed to it being recorded? As a  
9 public meeting with the citizens, there are no  
10 citizens here that would be opposed to it.

11 MS. OAKES: Mr. Scott, we provided  
12 for this public hearing a court reporter to take  
13 down the comments and responses.

14 MR. SCOTT: Yeah, you mentioned that  
15 before. I was just curious about why there  
16 wasn't -- I mean, in this -- today, everything is on  
17 Facebook, Instagram, whatever. I was just kind of  
18 surprised that the news media wasn't here to record  
19 this. That's all. But I guess you guys don't allow  
20 it? I'm not sure what you're afraid of, but . . .

21 MS. OAKES: Sharks. Just in case you  
22 are concerned, I am very afraid of sharks. I know  
23 that's not appropriate for tonight, but if you're  
24 asking, that's one of them.

1 MR. SCOTT: You mean like sharks in  
2 the ocean?

3 MS. OAKES: In the ocean.

4 MS. DECLUE: Me, too.

5 MR. NAVARRETE: Any other?

6 Yes, ma'am.

7 MS. OPLT: A woman who came to your  
8 informal hearing was planning to come back and give  
9 an informal statement. It's very brief, and she  
10 can't come tonight. Would you mind if I read it?

11 MR. NAVARRETE: No.

12 MS. OPLT: Thank you.

13 Her name is Sandy Crawford, and she  
14 lives in Godfrey.

15 "I would like to submit a comment  
16 regarding the permit renewal request for Deer Run  
17 Mine. I live in Godfrey and own farmland in  
18 Montgomery County near Waggoner. I have several  
19 concerns about this permit request.

20 I attended an informal conference for  
21 submissions of comments in Hillsboro on December 4,  
22 2023, and heard statements from local farmers who  
23 have experienced subsidence due to longwall mining.

24 This subsidence and resulting

1 drainage and erosion problems have devastating  
2 consequences for plantings, crops, structures, and  
3 roads. Montgomery County has prime farmland, and  
4 the impact on productivity of this land due to  
5 subsidence, erosion, and pooling of water compounds  
6 the economic challenges farmers already face. This  
7 subsidence damages the farmland, permanently  
8 diminishing crop production.

9           Deer Run and its parent company have  
10 a history of permit violations, and given the  
11 negative environmental and agricultural impacts of  
12 longwall mining, it does not seem to make sense to  
13 continue to extract coal at this cost during a time  
14 when we should be transitioning from coal to  
15 renewable energy.

16           I do not think that we should jeopardize  
17 the livelihood of farmers and risk damage to  
18 valuable farmland productivity, the resulting food  
19 supply, and natural resources. I would ask that  
20 your office take all of these concerns into  
21 consideration and deny the Deer Run permit renewals.

22           Thank you for your consideration of my  
23 comments."

24           And it's Sandy Crawford. And I can submit

1 both these comments, mine and hers.

2 Thank you very much.

3 MR. NAVARRETE: Any other comments?

4 (No response.)

5 MR. NAVARRETE: All right. Seeing  
6 there's no other comments, I am going to start  
7 closing this hearing.

8 Please drop off any written comments  
9 or statements that you haven't already -- any other  
10 documentation, which will be a part of the record.

11 Pursuant to 62 Illinois Admin. Code  
12 1773.14(d)(5), the record shall remain open for  
13 additional written statements responsive to the  
14 statements or other documents within ten days  
15 following the close of today's hearing.

16 All comments made and collected at  
17 tonight's hearing, along with any additional  
18 comments received in the next ten days by the  
19 Department, shall be considered, along with its own  
20 review of the application in making the final  
21 decision, issued or denied, of the company's renewal  
22 application.

23 Anyone attending the public hearing,  
24 who has provided written comments to the Department

1 during the comment period and has provided us with  
2 your contact information, will receive a copy of the  
3 Department's decision regarding this application.

4 I'd like to thank all of you for your  
5 participation. This public hearing is adjourned.

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8 (Hearing ended 7:24 p.m.)  
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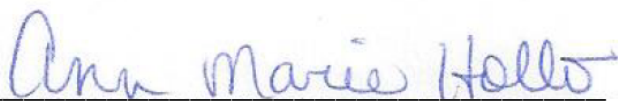


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parties to the action in which this informal  
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Dated this 12th day of January, 2024.



Certified Shorthand Reporter  
State of Illinois



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