

# **A Guide to Effective Participation in the Public Hearing**

## **Underground Injection Control (UIC) Draft Permit for Archer Daniels Midland Company (ADM), Decatur, Illinois**

The Illinois Environmental Protection Agency (EPA) often decides to conduct a public hearing when there is significant public interest in a draft permit it has prepared. The public hearing on the draft Underground Injection Control (UIC) permit for Archer Daniels Midland Company (ADM) that would allow deep underground injection of carbon dioxide is scheduled from 5:00 p.m. to 8:00 p.m., Tuesday, September 16, 2008 at the Madden Auditorium of the Decatur Public Library.

### **At The Hearing...**

The purpose of this hearing is to collect public comments for Illinois EPA's consideration before making a final decision on the UIC permit for ADM. You are not required to verbalize your comments; written comments are given equal consideration and may be submitted to the Illinois EPA at any time within the public comment period. **The comment period ends on October 17, 2008.**

In order to make your comments as valuable as possible, please review ADM's application materials and the Illinois EPA's draft permit, copies of which are available at the reference desk of the Decatur Public Library.

All public hearings are conducted in an orderly manner and will be recessed or closed if members of the audience are disruptive. An Illinois EPA Hearing Officer is in charge of the proceedings and a court reporter is present to transcribe all statements for the official hearing record. Speakers are asked to provide a written copy of any lengthy testimony to the Hearing Officer. The hearing transcript will be posted on the Illinois EPA web site: <http://www.epa.state.il.us/public-notice/general-notice.html#adm-underground-injection>

The Illinois EPA UIC permit hearing consists of the following steps:

- **REGISTRATION** Everyone who plans to testify is encouraged to register at the entrance before the hearing officially begins. Registration ensures that you will be notified by mail of the Illinois EPA permit decision and availability of the response summary, a document which describes any changes to the permit from the draft to final versions, and contains written responses to the questions and comments raised at the hearing and provided within the comment period.

- **OPENING STATEMENT AND INTRODUCTION OF ILLINOIS EPA STAFF**

**John Kim, Illinois EPA Hearing Officer**, will explain the purpose, rules and agenda of the hearing and introduce the rest of the Illinois EPA's hearing panel:

**Kevin Lesko**, UIC Permit Engineer, presenter

**Melinda Shaw**, Geologist, Groundwater Assistance Unit

**Terri Myers (L.P.G.)**, Groundwater Assistance Unit Manager

**Steve Nightingale (P.E.)**, Permit Section Manager

- **EXPLANATION OF PERMIT & PROGRAM** Kevin Lesko, Illinois EPA's UIC Permit Engineer, will present a brief overview of the regulations of the permitting program and the current draft permit proposed for the facility.
- **PERMIT APPLICANT PRESENTATION** A representative of the applicant will briefly discuss the UIC permit application.
- **Q & A and PUBLIC TESTIMONY** At this time, audience members may ask the hearing panel questions about the proposed permit and the Illinois EPA's review process. Please be brief so that everyone who wishes to do so may have the opportunity to question the panel. Those who have registered and indicated that they wish to provide oral comments also will be called upon in turn to make a statement. Statements must address the specific proposed permit and the panel may question speakers after their testimony. No one may be interrupted or harassed while making a statement.

If a large number of people wish to speak, the hearing officer may set time limits for each speaker. Any person whose time runs out may submit additional questions or comments in writing. The Illinois EPA urges speakers to prepare and submit comments in writing in order to maintain continuity of thought and to remember all important facts. If anyone before you has already presented testimony that is contained in your written comments, please omit those issues when you testify. Your written comments, whether or not you make them aloud, will become part of the official hearing record and will be considered in making the final permit decision. Speakers are not required to remain at the hearing after making their statements.

- **CLOSE OF THE HEARING** At 8:00 p.m., the announced time for the hearing to end, the hearing officer will officially close the public hearing and remind everyone of the deadline for mailing written comments.

### **After The Hearing...**

You may send written comments to the hearing officer after the public hearing. **Comments must be postmarked by midnight October 17, 2008.** Please send written comments to:

John Kim, Hearing Officer (#21)  
Illinois Environmental Protection Agency  
1021 North Grand Ave., East, P.O. Box 19276  
Springfield, IL 62794-9276

The Illinois EPA will consider all comments received at the hearing and during the comment period prior to making its final permit decision. A response summary that describes the Illinois EPA's final decision and responds to comments from the public will be prepared and those who have submitted written comments and/or registered at the hearing will be notified of its availability. The response summary will also be available upon request to any other interested person.

## **Tips for Affecting Illinois EPA Decisions**

Your purpose for making verbal comments at a public hearing is to provide information to the Illinois EPA regarding your concerns about the proposed permit decision. However, a public hearing is not a referendum -- 10 people making the same comment do not make the comment 10 times more important. Consequently, petitions and form letters are also not effective. Relevant comments may include specific statements about the permit application and proposed permit or information indicating that the operation of the facility poses a potential threat to human health or the environment. Unsupported opinions are less effective than specific facts and technical documentation.

### **Examples of Topics that Can Influence Permit Decisions:**

- Illinois EPA review process and procedures
- Injection well design issues
- Issuance of the permit would cause violations of the Environmental Protection Act or regulations

### **Examples of Topics that May Not be Considered by the Illinois EPA:**

- Property values or zoning issues
- Issues outside the scope of this permit and therefore not addressed by this permit
- Issues that are the responsibility of other governmental bodies, not the Illinois EPA

In general, issues that are beyond the scope of the Illinois EPA's permitting authority under the UIC permitting program cannot be considered in making the final permit decision.

### **Please Keep in Mind. . .**

The Illinois EPA is required by law to make its permitting decisions based upon the technical merits of permit applications. The permit requirements and decisions are determined by state and federal environmental regulations.

The Illinois EPA does not support or defend applications for permits. The Agency does defend the process and regulations under which its staff reviews them. Comments from the public that can be incorporated into permit decisions are welcome.