



Illinois Coal Association  
212 S. Second Street  
Springfield, IL 62701  
(217)528-2092 phone / (217)523-5191 fax  
[www.ilcoalassn.com](http://www.ilcoalassn.com)

---

Statement of Phillip M. Gonet, President  
Illinois Coal Association  
to the  
Logan County Zoning Board of Appeals  
Regarding the Zoning Petition of the Viper Mine  
Elkhart, Illinois  
October 9, 2014

GOOD EVENING. I AM THE PRESIDENT OF THE ILLINOIS COAL ASSOCIATION AND REPRESENT OF MOST OF THE COMPANIES MINING COAL IN THE STATE. ARCH COAL, OWNER OF THE VIPER MINE, IS A MEMBER. MY COMMENTS TONIGHT ARE ON BEHALF OF THE ILLINOIS COAL ASSOCIATION AND IN SUPPORT FOR THE VIPER MINE'S ZONING REQUEST. I WANT TO MAKE 3 POINTS.

A LOT OF THE COMMENTS LAST WEEK EXPRESSED CONCERN FOR FLY ASH. SO I WANT TO ADDRESS THAT FIRST.

MY COMMENTS BEGIN WITH A QUESTION: WHAT DO THESE THINGS HAVE IN COMMON? TRUMP INTERNATIONAL HOTEL AND TOWER IN CHICAGO, THE METROPOLITAN MUSEUM OF ART IN NYC, THE HOOVER DAM BYPASS, THE EASTERN SPAN REPLACEMENT OF THE SAN FRANCISCO-OAKLAND BAY BRIDGE, THE WORLD'S TALLEST BUILDING IN DUBAI, THE COLOSEUM IN ROME. CAN YOU GUESS?

THEY WERE ALL BUILT WITH FLY ASH.

CLOSER TO HOME, CWLP FLY ASH HAS BEEN USED AS STRUCTURAL FILL FOR PROJECTS LIKE THE STANFORD AVENUE OVERPASS (150,000 TONS), THE MULTI-PURPOSE ARENA AT THE STATE FAIRGROUNDS, THE SANGAMON RIVER BRIDGE REPAIR ON I-72, AND THE I-72/MACARTHUR INTERCHANGE WHERE 800,000 TONS OF FLY ASH WERE USED.

SURPRISED? PERHAPS YOU ARE AFTER HEARING FROM THE OPPONENTS ON HOW DEADLY THIS "TOXIC WASTE" IS. THE FACT IS, THEY ARE WRONG.

WHAT IS FLY ASH? FLY ASH IS A POWDERY SUBSTANCE THAT FLIES UP FROM THE COAL COMBUSTION CHAMBER AND IS CAPTURED BY EMISSIONS CONTROLS LIKE ELECTROSTATIC PRECIPITATORS, FABRIC FILTERS AND BAG HOUSES ON POWER PLANTS.

THIS MATERIAL IS VIRTUALLY IDENTICAL IN ITS COMPOSITION TO VOLCANIC ASH WITH PROPERTIES IDEAL FOR CONCRETE THAT BUILT THE STRUCTURES OF ANCIENT ROME THAT WE APPRECIATE 2,000 YEARS LATER. IN FACT, MORE THAN HALF OF THE CONCRETE PRODUCED TODAY IN THE U.S. USES FLY ASH IN SOME QUANTITY AS A SUBSTITUTE FOR TRADITIONAL CEMENT. AMONG THE WORLD'S MOST RENOWNED BRIDGES, SKYSCRAPERS, ROADS, DAMS AND A WIDE RANGE OF OTHER CONSTRUCTION PROJECTS WERE BUILT USING FLY ASH CONCRETE MIXES TO ACHIEVE SUPERIOR

STRENGTH AND LONGEVITY. THE SAME QUALITIES OF FLY ASH USED IN CEMENT ALSO MAKE IT EXCELLENT AS STRUCTURAL FILL IN ROAD PROJECTS.

BUT WHAT ABOUT ALL THE HARMFUL SUBSTANCES THAT THE OPPONENTS TALK ABOUT? WELL IT'S TRUE THAT COAL, LIKE SOIL, ROCKS AND OTHER NATURAL MATERIALS FOUND IN THE EARTH'S CRUST CONTAIN TRACE AMOUNTS OF HEAVY METAL ELEMENTS. THE BURNING OF COAL RESULTS IN SOME OF THESE ELEMENTS BEING OXIDIZED IN THE COAL ASH THAT IS PRODUCED. TYPICALLY, THESE HEAVY METALS INCLUDE ARSENIC, BORON, CADMIUM, CHROMIUM, COPPER, LEAD, MERCURY, SELENIUM AND ZINC.

I HAVE TO ADMIT THAT SOUNDS LIKE A DANGEROUS BUNCH OF METALS. ISN'T THE EPA DOING ANYTHING ABOUT THIS? YES, THEY ARE, AND THEY HAVE.

THE EPA HAS STUDIED EXTENSIVELY THE RISK THAT COAL ASH PRESENTS TO THE ENVIRONMENT. IN A REPORT TO CONGRESS IN 1988 **EPA CONCLUDED THAT THE ASH RESULTING FROM THE COMBUSTION OF FOSSIL FUELS WAS NOT HAZARDOUS AND DID NOT NEED TO BE REGULATED AS A HAZARDOUS WASTE UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT.** LET ME REPEAT THAT.

SUBSEQUENT EPA STUDIES HAVE CONFIRMED THIS CONCLUSION. MOREOVER, EPA HAS ENCOURAGED THE BENEFICIAL USE OF COAL COMBUSTION PRODUCTS.

BUT IF FLY ASH CONTAINS THOSE HEAVY METALS, HOW CAN EPA SAY IT'S NOT HAZARDOUS? THE REASON IS THAT THE QUANTITY AND CONCENTRATION OF THE METALS ARE VERY SMALL. IN FACT, OFTEN TIMES SOME OF THE METALS CAN NOT BE DETECTED BY THE MEASURING INSTRUMENTS.

AND EPA ALSO REQUIRES POWER PLANTS AND COAL MINES TO MONITOR THE STORAGE OF COAL WASTE TO ASSURE HEAVY METAL CONCENTRATIONS REMAIN LOW.

I WANT TO EMPHASIZE AN EARLIER STATEMENT. MOST OF THE SAME HEAVY METALS IN COAL ASH ARE ALSO FOUND IN THE EARTH'S CRUST AND ROCKS. IF COAL ASH IS SO HARMFUL AS THE OPPONENTS WOULD LEAD US TO BELIEVE, THEN SO IS THE DIRT. THEN WE SHOULDN'T BE WALKING ON IT LET ALONE DISTURB IT. OF COURSE, THAT'S SILLY. AND SO IS THEIR ARGUMENT ABOUT FLY ASH.

TO SUMMARIZE MY FIRST POINT, FLY ASH IS NOT A TOXIC WASTE AND HYSTERICAL CLAIMS TO THE CONTRARY ARE WRONG.

MY SECOND POINT IS THAT THE COAL MINE HAS SUCCESSFULLY OPERATED ITS CURRENT REFUSE IMPOUNDMENT FOR OVER 32 YEARS. THE PERMIT FOR THIS STRUCTURE IS ISSUED BY THE ILLINOIS OFFICE OF MINES AND MINERALS AND THEY ARE RESPONSIBLE FOR MONITORING AND ENFORCING THE PERMIT PROVISIONS.

ON-GOING MONITORING PREVENTS GROUNDWATER CONTAMINATION. ONE OF THE MOST IMPORTANT CONDITIONS IN THE PERMIT IS TO MONITOR THE AREAS AROUND THE IMPOUNDMENT TO DETECT ANYTHING SEEPING OUT OF THE POND.

YOU CAN GO TO THE ILLINOIS DEPARTMENT OF NATURAL RESOURCES AND LOOK UP THE RECORDS FOR THE VIPER MINE. THE OPERATION OF THEIR POND HAS BEEN EXEMPLARY. THE MONITORING WELLS HAVE NEVER DETECTED ANY EXCURSION FROM THE POND.

THE OPPONENTS HAVE ASKED ABOUT ALTERNATIVE SITES FOR THE NEW IMPOUNDMENT. OF THE MANY REQUIREMENTS FOR A PERMIT FROM THE IDNR, THE MOST IMPORTANT IS THE SITE OF THE IMPOUNDMENT CAN NOT BE PLACED ON GROUND THAT HAS BEEN UNDERMINED. THIS IS ABSOLUTELY CRITICAL FOR THE PROTECTION OF GROUNDWATER. AS WE KNOW, 32 YEARS OF MINING MEANS THAT A LOT OF AREA HAS BEEN MINED. THE 322 ACRES FOR THE PROPOSED IMPOUNDMENT, WITH ITS CLOSE PROXIMITY TO THE CURRENT PREPARATION PLANT, IS THE ONLY SITE THAT MEETS THIS CRITICAL CRITERON.

THE VIPER MINE HAS PROVEN TO BE A RESPONSIBLE STEWARD OF THIS OPERATION. THE COMPANY HAS EXPLAINED THAT THE PROPOSED IMPOUNDMENT WILL HAVE A SYNTHETIC LINER IN ADDITION TO THE CLAY LINER SIMILAR TO THAT IN THE CURRENT POND.

THEREFORE, THERE IS NO REASON TO BELIEVE THAT THE NEW POND WILL LEAD TO CONTAMINATION OF THE GROUNDWATER. THE CLAIMS OF THE OPPONENTS ARE BASELESS.

MY FINAL POINT IS THE SIGNIFICANT ECONOMIC IMPACT OF THE VIPER MINE. IT STARTS WITH THE 300 JOBS AND \$22 MILLION PAYROLL AND IT CONTINUES WITH THE SPIN-OFF JOBS CREATED BY EACH MINING JOB (AS MANY AS 11:1 ACCORDING TO ONE STUDY, BUT 4:1 IS A CONSERVATIVE ESTIMATE). ADD TO THIS THE HUNDREDS OF THOUSANDS SPENT MONTHLY ON SUPPLIES. THE ECONOMIC IMPACT IS HUGE.

MANY IN THE AUDIENCE LAST WEEK SEEMED TO DISMISS THE ECONOMIC IMPACT AS "ONLY ABOUT 50" LOGAN COUNTY RESIDENTS WORKED AT THE MINE. I SUBMIT THAT THE LOSS OF 50 JOBS AT ABOUT \$75,000 A YEAR WOULD BE DEVASTATING TO LOGAN COUNTY.

IN SUMMARY, THE CLAIMS OF THE OPPONENTS THAT FLY ASH IS A TOXIC WASTE AREBASELESS AND FALSE AND SHOULD BE DISMISSED; THE VIPER MINE HAS A PROVEN RECORD OF ENVIRONMENTAL COMPLIANCE AND RESPONSIBILITY; THE ECONOMIC IMPACT OF THE MINE IS POSITIVE AND IMPORTANT.

THEREFORE, I URGE THE LOGAN COUNTY ZONING BOARD OF APPEALS TO APPROVE THE REQUEST OF THE VIPER MINE TO ALLOW THE PROPOSED IMPOUNDMENT PROJECT TO PROCEED.