

1           BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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4       IN THE MATTER OF:

5       PETITION OF THE CITY OF BELLEVILLE,

6       ILLINOIS FOR AN ADJUSTED STANDARD

7       FROM 35 ILL. ADM. CODE 306.305                   PCB No. AS 99-1

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11           Proceedings held on January 8, 2002 at 9:10 a.m., at the  
12       Belleville City Hall, Council Chambers, 101 South Illinois  
13       Street, Belleville, Illinois, before Hearing Officer Steven C.  
14       Langhoff.

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20                       Reported by: Darlene M. Niemeyer, CSR, RPR  
21                                       CSR License No.: 084-003677

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23                            Belleville, IL 62226  
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24                            A P P E A R A N C E S

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BY: Sanjay K. Sofat  
Assistant Counsel  
Division of Legal Counsel  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276  
On behalf of the Illinois EPA.

Panel of witnesses present for the IEPA:

Dean J. Studer  
Scott A. Twait

SPRAGUE and URBAN

BY: Robert J. Sprague  
Attorney at Law  
26 East Washington Street  
Belleville, Illinois 62220  
On behalf of the City of Belleville.

Panel of witnesses present for the City of Belleville:

Royce Carlisle  
Randy Smith, Sr.  
Ike Karaca  
Robert Garegnani

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I N D E X

WITNESS	PAGE NUMBER
ROYCE CARLISLE	11, 34
RANDY SMITH, SR.	24
ROBERT GAREGNANI	30
SCOTT A. TWAIT	41

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## 1 E X H I B I T S

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3	NUMBER	MARKED FOR I.D.	ENTERED
4	Hearing Exhibit 1	32	33
	Hearing Exhibit 2	33	33
5	Hearing Exhibit 3	45	45

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1                                   P R O C E E D I N G S  
2                                   (January 8, 2002; 9:10 a.m.)

3                   HEARING OFFICER LANGHOFF: Good morning, everyone. My name  
4 is Steven Langhoff. I am the Pollution Control Board Hearing  
5 Officer assigned to this matter and who will be holding the  
6 hearing today. This is AS 99-1, Petition of the City of  
7 Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm.  
8 Code 306.305.

9                   For the record, it is Tuesday, January 8th of 2002, and we  
10 are beginning at 9:10 a.m. I do want to note for the record that  
11 there are no members of the public present today. Members of the  
12 public are encouraged and allowed to provide public comment if  
13 they so choose.

14                  On July 20th of 1998, the City of Belleville filed a  
15 request for an adjusted standard from the Board's Combined Sewer  
16 Overflow, CSO, disinfection requirements. Belleville is  
17 requesting the adjusted standard for CSO's at the 88th Street  
18 lift station that discharges into an unnamed tributary of Powder  
19 Mill Creek.

20                  On October 28th of 1998, an amended petition was filed,  
21 which the Board accepted on November 19th of 1998. On April 5th  
22 of 1999, Belleville filed a second amended petition, and on  
23 August 27th of 1999, a third amended petition was filed. On  
24 December 21st of 2000, the Board found that there was

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1 insufficient information in the record to grant the adjusted  
2 standard, and the Board sent this matter to hearing.

3           You should note that it is the Pollution Control Board and  
4 not me that will make the final decision in this case. My job as  
5 a Hearing Officer requires that I conduct the hearing today in a  
6 neutral and orderly manner so that we may have a clear record of  
7 the proceedings. It is also my responsibility to assess the  
8 credibility of any witnesses giving testimony today, and I will  
9 do so on the record at the conclusion of the proceedings.

10           The Board's Procedural Rules and the Act provide that  
11 members of the public shall be allowed to speak or submit written  
12 statements at hearing. Any person offering such testimony today  
13 shall be subject to cross-examination by both of the parties.  
14 Any such statements offered by members of the public must be  
15 relevant to the case at hand. I will call for any statements  
16 from members of the public at the conclusion of the proceedings.

17           This hearing was noticed pursuant to the Act and the  
18 Board's Rules and Regulations and will be conducted pursuant to  
19 Section 104.422 and Sections 101.600 through 101.632 of the  
20 Board's Procedural Rules.

21           At this time I will ask the parties to make their  
22 appearances on the record. For the petitioner, the City of  
23 Belleville.

24 MR. SPRAGUE: My name is Robert Sprague. I am the City

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1 Attorney for the City of Belleville.

2 HEARING OFFICER LANGHOFF: Thank you, Mr. Sprague. For the  
3 Illinois Environmental Protection Agency.

4 MR. SOFAT: I am Sanjay Sofat, Attorney for the Illinois  
5 Environmental Protection Agency.

6 HEARING OFFICER LANGHOFF: Thank you, Mr. Sofat. At this  
7 time I will ask if we have any preliminary matters that need to  
8 be discussed on the record.

9 I have one. For the record, I served both parties with a  
10 Hearing Officer Order dated today, January 8th of 2002, directing  
11 the parties to answer certain questions.

12 Is there anything else, gentlemen? Seeing none.

13 MR. SOFAT: None.

14 MR. SPRAGUE: No.

15 HEARING OFFICER LANGHOFF: All right. Any outstanding or  
16 prehearing motions that the parties would like to present before  
17 we begin?

18 MR. SOFAT: No.

19 MR. SPRAGUE: No.

20 HEARING OFFICER LANGHOFF: Thank you. Would Mr. Sprague  
21 like to give a brief opening statement on behalf of his client?

22 MR. SPRAGUE: I can give a brief opening statement. The  
23 City of Belleville has operated a lift station at South 88th

24 Street for I guess 50 years, and it has been upgraded and we have

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1 adapted a Swirl Concentrator to it to help alleviate the overflow  
2 when there is overflow from rainwater due to it being hooked to a  
3 combined sewer system. We are in the process of installing an  
4 auger to it, which will take the solids out and make the overflow  
5 even cleaner.

6 We are asking for this adjusted standard so that we don't  
7 have to put chlorination in it because, as attached to our  
8 petition, it is highly expensive for us to do it and it is highly  
9 expensive for us to operate it. It will take -- in five years we  
10 have to have this problem solved anyway. So if we are forced to  
11 chlorinate it, it is going to be a five year use.

12 I will have Mr. -- one of the things not answered in the  
13 order was, again, that they want a clearer picture about where  
14 this stream or ditch that this is discharged into. I will have  
15 Mr. Royce Carlisle explain that he walked the creek for  
16 approximately five miles, and there is hardly any -- the creek or  
17 ditch, whatever it is. There is hardly ever any water in this  
18 creek or ditch. There is no real evidence of anything coming  
19 from our overflow having an effect on it.

20 He walked it five miles down, and it flows into a canal  
21 that is along side of Harding Ditch. Yesterday you had asked  
22 about -- there was a question from your technical staff about

23 Harding Ditch. Then it is my understanding that almost down at  
24 the Mississippi River, which is miles and miles away, it

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1 discharges into -- they come together and discharge into the  
2 Mississippi River.

3 HEARING OFFICER LANGHOFF: All right. Thank you, Mr.  
4 Sprague.

5 Mr. Sofat, do you have a brief opening statement that you  
6 would like to present?

7 MR. SOFAT: Yes. May I sit and speak?

8 HEARING OFFICER LANGHOFF: Certainly.

9 MR. SOFAT: Thank you. Good morning. My name is Sanjay  
10 Sofat. I am representing the Illinois Environmental Protection  
11 Agency in this matter. Our Agency has had the opportunity to  
12 review the City of Belleville's petition for an adjusted standard  
13 from 35 Ill. Adm. Code 306.305(b). Essentially, this section of  
14 the Board Regulations requires that additional flows from  
15 combined sewer overflows shall be given a minimum of primary  
16 treatment and disinfection with adequate retention time.

17 On August 11th of 2000, we filed our response with the  
18 Pollution Control Board. In this response, based on the  
19 information provided by the City of Belleville in its original  
20 petition and subsequent amended petitions, we have recommended  
21 that the Board grant the City of Belleville an adjusted standard  
22 subject to conditions described in Paragraphs 9 and 12 of the

23 response.

24 Paragraph 9 of the response contains the Agency's proposed

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1 language for the requested adjusted standard. The Illinois EPA  
2 recommends that the City of Belleville shall submit a long-term  
3 control plan that will achieve compliance with the applicable  
4 water quality standards at the end of the temporary adjustment  
5 period of five years.

6 Paragraph 12 of the response contains an Agency  
7 recommendation that will require the City of Belleville to  
8 minimize the possibility of human exposure to the combined sewer  
9 overflows during the wet weather conditions. To this end, the  
10 Illinois EPA suggested that Belleville could provide public  
11 education to homeowners along the receiving stream, or post  
12 warning signs along the receiving stream regarding the conditions  
13 that could exist during the wet weather conditions, or erect  
14 barriers to preclude public access to the receiving stream.

15 Today, again, the Illinois Environmental Protection Agency  
16 recommends a grant of the requested relief subject to the  
17 above-mentioned conditions. Today I have Mr. Dean Studer and Mr.  
18 Scott Twait with me, and both are here to answer any questions  
19 that the Board or the City of Belleville may have. Thank you.

20 HEARING OFFICER LANGHOFF: Thank you, Mr. Sofat. At this  
21 time I would like to open up the proceedings in a question and

22 answer type format. As I have noted earlier, I issued a Hearing  
23 Officer Order with questions to both the petitioner and the  
24 respondent. I will have any witnesses sworn in.

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1 MR. SPRAGUE: We can go ahead and swear them all in, in  
2 case they all have answers.

3 HEARING OFFICER LANGHOFF: Yes, I thought about doing that  
4 earlier.

5 Darlene, would you please swear all of the witnesses today  
6 that might be testifying.

7 (Whereupon witnesses Royce Carlisle, Randy Smith, Sr.,  
8 Ike Karaca, Robert Garegnani, Dean Studer and Scott Twait  
9 were sworn by the Notary Public.)

10 HEARING OFFICER LANGHOFF: Thank you. All right, Mr.  
11 Sprague.

12 MR. SPRAGUE: Okay. I will give you a copy of it so that  
13 you can follow along with what he is saying.

14 HEARING OFFICER LANGHOFF: Thank you.

15 MR. SPRAGUE: Sanjay already has a copy of it.

16 R O Y C E C A R L I S L E,  
17 having been previously duly sworn by the Notary Public, saith as  
18 follows:

19 EXAMINATION

20 BY MR. SPRAGUE:

21 Q. For the record, do you want to identify yourself?

22           A.    I am Royce Carlisle, Systems Coordinator at the  
23 Belleville Wastewater Treatment Plant.

24           Q.    How long have you had that job?

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1           A.    For approximately three years.

2           Q.    And at my request have you prepared the City of  
3 Belleville Petition for an Adjusted Standard Supplement --

4           A.    Yes.

5           Q.    -- for 2001?

6           A.    (Nodded head up and down.)

7           Q.    If you look at Exhibit A, would you tell us what that  
8 is?

9           A.    Exhibit A is at our plant, in our control room in our  
10 plant. We have an alarm system at remote lift stations, certain  
11 ones. And we have kept a record and put the record in of alarms  
12 from the 88th Street lift station in relation to what we had  
13 there before, the two small pumps. And that is explained in the  
14 beginning of this report so you can see the relation, when we  
15 completed phase one, when they put the larger pumps in and they  
16 replaced the older pumps, how many rain event alarms, which are  
17 overflow alarms, at 88th Street we were having in relation to  
18 what we now have with the upgraded pump stations. Which, as you  
19 can see on page three of Exhibit A, it started at 10-09. We  
20 started construction and we put in the new pumps and it was

21 completed probably at the end of 1996. And then in 1997 is when  
22 we had the larger pumps in there and it reduced the overflow  
23 event significantly.

24 HEARING OFFICER LANGHOFF: Excuse me, Mr. Sprague. Mr.

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1 Sofat, do you have a copy of this supplement?

2 MR. SOFAT: Yes.

3 HEARING OFFICER LANGHOFF: Okay. Thank you. I apologize.

4 MR. SPRAGUE: I had said that earlier. I guess I didn't  
5 say it loud enough.

6 HEARING OFFICER LANGHOFF: I didn't see it on the table.

7 MR. SPRAGUE: Oh, well, he doesn't have a colored -- he  
8 doesn't have a fancy cover.

9 HEARING OFFICER LANGHOFF: I apologize. Go ahead, Mr.  
10 Sprague.

11 MR. CARLISLE: If I can add, before that time we had -- the  
12 original pump station only had 200 or 300 gallon per minute  
13 pumps, and the first phase -- Randy might be able to answer it  
14 better. We put in one 200 gallon per minute pump and two 500  
15 gallon per minute pumps.

16 Q. (By Mr. Sprague) Okay. On July 2nd of 1999, the Swirl  
17 Concentrator went into service; is that correct?

18 A. Right.

19 Q. Okay. Would you tell us what Exhibit B is?

20 A. Okay. We are now -- we have CSO's throughout the City,

21 and we have a CSO operator who once a week runs a dry inspection  
22 and after each rain event inspects each CSO location. And what  
23 this is, is the synopsis of the field reports on the 88th Street  
24 lift station. And it gives you the total rainfall in the month

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1 and the total number of overflow events that happen at the 88th  
2 Street, and this is an estimated duration in hours that the  
3 overflow event happened that discharged into the receiving  
4 stream. And it is the monthly totals. And that starts in 1997,  
5 when the CSO program started, up to the present date.

6 Q. And Exhibit C is various pictures of the -- well, let me  
7 back up. What does the CSO discharge into?

8 A. The CSO discharges into a drainage ditch that has  
9 approximately 100 foot of riffraff ditch. And then that empties  
10 into another drainage ditch that collects all of the drainage  
11 from that whole area there. That runs down parallel with Foley  
12 Drive or State Road 42, down to a point where it goes under State  
13 Road 42.

14 And I guess somewhere in there, somewhere behind the houses  
15 on Powder Creek Drive it starts to become Powder Mill Creek.  
16 Then from Powder Mill Creek it just follows natural drainage down  
17 to a point that it connects up with canal number one. And then  
18 canal number one flows -- I can't tell you -- maybe three or four  
19 or maybe five miles to a point where -- well, Randy knows this a

20 little better than I do.

21 MR. SMITH: Randy Smith, Superintendent of the Sewer  
22 Division. Mr. Carlisle was indicating about it running parallel  
23 with Harding Ditch down through Centreville and into Cahokia.  
24 Then beyond Cahokia into Dupo. It is eventually on the other

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1 side of Dupo, where Harding Ditch and canal one merge together to  
2 enter into the Mississippi River at that point. We stopped  
3 there. Royce -- Mr. Carlisle stopped the investigation at Triple  
4 Lakes Road and canal number one in Cahokia, because it was beyond  
5 the five mile number that was chosen to investigate the canal or  
6 investigate the discharge.

7 MR. SPRAGUE: Okay. Thank you.

8 Q. (By Mr. Sprague) Okay. Back to Mr. Carlisle. You  
9 actually walked this creek, ditch, or whatever you want to call  
10 it, five miles?

11 A. Yes.

12 Q. Does Exhibit C contain pictures?

13 A. Yes, Exhibit C -- I took digital pictures. And I  
14 started out in the beginning taking pictures frequently because,  
15 you know, the way it changed and tried to show you the foliage  
16 and the terrain and what water is in the ditch.

17 As I progressed on downstream, at a point approximately two  
18 and a half miles downstream it got to where you couldn't walk in  
19 the creek anymore because it got extremely muddy, and we were

20 getting stuck in that. And the banks were getting too high so  
21 that we couldn't crawl up it if we had to get around obstacles.

22 So at a point close to Route 15 we got out of the creek and  
23 started following on the banks where we could and taking pictures  
24 as we went there. The frequency of the pictures got further and

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1 further apart, mostly because the creek and the canal all look  
2 the same. It got to the point where it was at a depth where it  
3 just looked the same all the time. There were no longer any  
4 obstructions. Anyway, it is kind of explained in Exhibit C.

5 Q. Was there any water in this creek as you walked it?

6 A. At the beginning there was very little water. It was  
7 just a trickle with a pool here and there. It is mostly a rocky,  
8 sandy type bottom, until you get to a point approximately two and  
9 a half to three miles down stream where there becomes a little  
10 bit more flow in the creek. There is quite a few tributaries  
11 from the surrounding drainage emptying into it, so it starts  
12 picking up some flow. But mainly it is very shallow.

13 Q. What is the average depth, do you know, of the water?

14 A. Six inches. There are pools in it, natural pools that  
15 are in it that could get up to a foot deep. I have one picture  
16 in there, and I don't know if you can follow this. The first  
17 deep hole over two foot deep is approximately three foot deep at  
18 photo 33. As you can see there, that is the first location. I

19 would say that is approximately a half mile from Route 15.

20 Q. How far is it from the discharge?

21 A. Oh, I would say an estimate is two and a half, two and a  
22 half miles.

23 Q. As you were walking the creek, did you see any -- did  
24 you discern any odor that might have come from our overflow?

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1 A. No. We noticed no odors, no sanitary sewage indicators  
2 at all. There were no paper products, rubber products, anything  
3 of that sort, other than right at the discharge itself on the  
4 ruffraff. But anything in the ditch less than 100 foot down from  
5 the discharge itself, there was no indications. And we walked in  
6 the center of the creek and we stirred it up as we went and we  
7 never noticed any odor of any sort.

8 Q. Was there any evidence -- did you see any evidence as  
9 you were walking this creek of any recreational activities?

10 A. I didn't see any. I don't see how there would be. Down  
11 at the canal area, you know, it is possible, but I didn't see  
12 anybody. It started around Route 13, where the Route 13 crosses  
13 Powder Mill Creek. That's about the place where it started  
14 getting deep enough to where anything of that sort can happen.  
15 That's probably less than a half mile from the canal. As you can  
16 see, I put the picture numbers on the Sidwell maps. I am sorry  
17 you can't see them very well, but they are hard to copy. I am  
18 sorry. That is in Exhibit E.

19 Q. Okay. Well, let's go to Exhibit D first before we get  
20 to that.

21 A. Okay.

22 Q. You also prepared Exhibit D; is that correct?

23 A. Yes.

24 Q. And that's a topographical map?

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1 A. That's a topographical map.

2 Q. And the green points are lift stations; is that correct?

3 A. That's correct.

4 Q. And the blue is what?

5 A. That's Powder Mill Creek.

6 Q. Powder Mill Creek, and the pink are the tributaries that  
7 run off it?

8 A. Yes, that run into the creek.

9 Q. And the --

10 A. Where it turns purple is where canal one starts.

11 MR. SPRAGUE: Okay. If you look just parallel it is  
12 Harding Ditch. One of your questions about Harding Ditch was  
13 they wanted a map showing the mileage to Harding Ditch. This map  
14 does not get the canal to where it enters into the Harding Ditch,  
15 but I guess we can get one.

16 MR. SMITH: We can get one with the addition on the Sidwell  
17 that would show how it goes out into the Mississippi.

18 HEARING OFFICER LANGHOFF: Okay. Thank you.

19 MR. SPRAGUE: There is a scale on this map. It looks like  
20 one and a half inches to a mile. So we should be able to  
21 calculate that.

22 MR. CARLISLE: One note on that map, I would -- from what I  
23 can gather, Powder Mill Creek probably starts where that first  
24 pink tributary comes in.

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1 Q. (By Mr. Sprague) So up to that point it is --

2 A. More or less a ditch. During dry weather there is very  
3 little water in it.

4 Q. Okay. Exhibit E is the Sidwell?

5 A. Yes, the Sidwell. I started with one of four. I tried  
6 to mark it in green where the lift station is. You can see where  
7 it comes down, our outfall, that first little leg there, and then  
8 it parallels County Highway 42, and then it turns and comes  
9 underneath County Highway 42 and then parallels Powder Creek  
10 Road, and then it turns away from that.

11 Q. The arrows with the numbers on them, what does it  
12 signify?

13 A. Those relate to the pictures.

14 Q. Okay.

15 A. Each picture that I took in there, that's the  
16 approximate location of where the pictures are.

17 Q. Where is the first place that this creek or ditch gets

18 close to a home?

19 A. Where it comes under County Highway 42.

20 Q. Okay.

21 A. There is a group of houses right there until it turns  
22 away from Powder Creek Road.

23 Q. How much water was in there when you go by those houses?

24 A. Very little, less than an inch.

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1 Q. Where is -- I guess the Sidwell is not the best, but it  
2 shows all the houses, you get houses down by --

3 A. The next place we saw any houses was at -- the houses  
4 were on Powder Valley Drive. At the time we walked this creek  
5 with the foliage on the trees you couldn't see any houses on  
6 Powder Mill Road, Shive Road, Celeste Court, Country Club Lane or  
7 Gerold Lane. You couldn't see them. As that creek flows, there  
8 is a real steep kind of like a bluff area, I would say, or a --  
9 all of those houses on the -- what would that be, the southeast  
10 side of that, I don't know if this is north and south. I am  
11 sorry. They are up like on top of a hill. To get down to that  
12 creek it is very steep. The houses that abut the creek are over  
13 on Powder Valley Drive and on Powder Creek Drive or Powder Creek  
14 Road.

15 Q. Okay. And map two?

16 A. Map two is showing it run through mostly farm fields.

17 We didn't notice any houses abutting any of this. We did go  
18 under and walk through the culvert that goes under the railroad  
19 tracks there, and right in that area there right past that  
20 between the railroad tracks and Route 15 is where we had to come  
21 get out of the creek because it became muddy there and we were  
22 getting stuck basically.

23 So at that point we stopped the first day, and then the  
24 second day we got into it we tried to get back into the creek on

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1 the other side of 15, but it was -- you just couldn't do it  
2 because of the steep banks and private property, those kinds of  
3 things. So the closest we could do is go all the way down 13,  
4 and there is a little side road that runs back up to where photo  
5 44 is, right in that area. The only thing back there is a horse  
6 stable, a boarding stable right there close to pictures 42, 43,  
7 and 44.

8 Q. Do the horses have access to that ditch?

9 A. I guess they could. This portion right in here 42, 43,  
10 and 44, further down you can see more pastures. They have it  
11 fenced off. The pictures down here, around pictures 46, 47, 48,  
12 and 49 you see a pasture with some cows in it. Picture 50 shows  
13 more or less a driveway ridge that goes over to a house. That is  
14 around the Route 13 area. That would be the next place that  
15 there would be any homes that abut or come close, and they don't  
16 necessarily abut them. There is -- their property abuts, I guess

17 you would say, the creek.

18           Then in -- then on page three, it shows the pictures that I  
19 took where it goes under Route 13 there right at pictures 51 and  
20 52. Then we took some pictures at 53 and 54. That's where the  
21 creek runs parallel to Route 13. And then at picture 54, that's  
22 the last one we could take because it turned away from Route 13,  
23 and you couldn't get into that property. It is back behind the  
24 railroad tracks.

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1           Then picture 55, we had to get on a levy, cross a railroad  
2 tracks, and cross a bunch of timber to get to the creek there  
3 again at 55. And then we drove around and came back up Route  
4 163, which is called Milstadt Road on this Sidwell. And you can  
5 see that there is a levy right next to the canal. We were  
6 fortunate enough to find the gate down, so we drove up on that  
7 levy and took pictures 56 and 57 and 58. And where the canal  
8 runs underneath Milstadt Road or 163, we took another picture  
9 there. At that point the canal all looks the same.

10           Our next pictures were down close to -- which is page four  
11 of that exhibit, which is down close to -- I don't know if the  
12 road is on this Sidwell, but it is at -- what is the name of that  
13 road, Randy?

14           MR. SMITH: Triple Lakes.

15           MR. CARLISLE: Triple Lakes Road. As you can see by the

16 Sidwell, the canal never comes in contact with Harding Ditch.  
17 They run parallel to each other.

18 Q. (By Mr. Sprague) Harding Ditch is --

19 A. Harding Ditch is towards the highway.

20 Q. At the --

21 A. No, it is at the top.

22 Q. Oh, okay.

23 A. It is between 157 and the canal.

24 Q. Okay.

22

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1 MR. SMITH: Gaining access on the canal levy would involve  
2 getting ahold of the Metro East Sanitary District, who controls  
3 that levy district area, and it is on private property, no  
4 unauthorized vehicles. At the time that Mr. Carlisle was taking  
5 pictures there was a maintenance crew who allowed them to enter  
6 on that one section. The other sections, there was no way to  
7 enter, nor would they allow us on it.

8 HEARING OFFICER LANGHOFF: For the record, on number three  
9 and four in Exhibit E where it turns to purple, that's where the  
10 canal begins?

11 MR. CARLISLE: That's where the canal begins.

12 HEARING OFFICER LANGHOFF: Okay. Thank you.

13 MR. CARLISLE: At approximately picture 56.

14 Q. (By Mr. Sprague) Exhibit F is the CSO stream inspection;  
15 is that correct?

16           A.    Yes, we had done one of these earlier -- in the earlier  
17 report that we submitted, and then we did another one afterwards.  
18 I didn't do this report. Our CSO operator did. What he does is  
19 he inspects the -- he did this from the outfall approximately  
20 1,000 feet down that ditch to find any pools that would be there  
21 and then stirs the pools up. He tries to find out if there is  
22 any odors, decomposed materials, or sewage sludge, floatable  
23 material such as that.

24           MR. SPRAGUE: Okay. I think that's all I have for Mr.

23

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1 Carlisle.

2           HEARING OFFICER LANGHOFF: Okay. Thank you. Is there  
3 anyone else that -- are there any other --

4           MR. SPRAGUE: I don't think we have answered all of your  
5 questions.

6           HEARING OFFICER LANGHOFF: Okay.

7           MR. SPRAGUE: I call Randy Smith.

8                           R A N D Y   S M I T H, SR.,  
9 having been previously duly sworn by the Notary Public, saith as  
10 follows:

11   EXAMINATION

12   BY MR. SPRAGUE:

13           Q.    Would you identify yourself for the record?

14           A.    Randy Smith, Superintendent of the Wastewater Division

15 of the City of Belleville.

16 Q. Question 1(a) is could you characterize the CSO effluent  
17 and the resulting impacts on the unnamed receiving ditch and  
18 Powder Mill Creek in terms of fecal coliform if the Swirl  
19 Concentrator were used?

20 A. The Swirl Concentrator was installed and put on service  
21 July 2nd of 1999, and from that point on under that year NPDES  
22 permit and our current one, we have to do testing on BOD  
23 suspended solid pH and flow of fecal coliform and chlorine.  
24 Therefore, every month we submit a DMR to the Illinois EPA, as

24

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1 required under the NPDES system. So we take a grab sample of the  
2 discharge at the Swirl Concentrator and run the necessary  
3 analysis and then submit that.

4 The impact it has on the receiving stream through different  
5 discharges, we have been able to lessen some of the BOD and some  
6 of the suspended solid. Since we do not chlorinate it, the fecal  
7 coliform would be a pass-through. Because of the pathogens,  
8 there is not the cause to die off because of the chlorine. So,  
9 therefore, there has been no impact or removal of fecal coliform  
10 at that time. It is noted on the DMR as too numerous to count,  
11 because of the regulation of 400 colonies per 100 milliliters.  
12 Again, we submit those DMRs to the Agency on a monthly basis  
13 since July of 1999.

14 Q. Are those all of the --

15           A.    This is all of the copies from July of 1999 to 2001.  
16 November and December is in the process of being pulled together  
17 and is going to be submitted by the 15th of January deadline.  So  
18 December of 2001 is not in that pile, in that information yet.

19           MR. SPRAGUE:  I guess we ought to mark this in that packet  
20 I gave you, or we could wait until the end to mark them.

21           HEARING OFFICER LANGHOFF:  You can mark this as Exhibit 1  
22 or A, however you want to mark it, and that as 2 or B.

23           MR. SPRAGUE:  Okay.  We will mark them both.

24           HEARING OFFICER LANGHOFF:  Okay.  Does Mr. Sofat have a

25

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1   copy of that?

2           MR. SPRAGUE:  They are reports that we submitted to you.

3           Q.    (By Mr. Sprague) What you just gave me, that is what you  
4 submit to the EPA on a monthly basis?

5           A.    Yes, that goes to the Compliance Section of the Agency  
6 on a monthly basis.

7           MR. SPRAGUE:  Okay.  Going to -- in trying to get your  
8 question answered to 2(a), we don't know why we used that  
9 language in the survey.  You know, that is just -- I mean, that's  
10 the only answer I can give you to 2(a), is that we don't know  
11 why.

12           As to (b), it was the feeling that those other -- that  
13 those creeks mentioned, as you heard from Mr. Carlisle's

14 testimony, that those houses, the access was so bad that they  
15 didn't feel it was necessary to survey those particular streets.  
16 We don't have any current demands to do any more surveys, but if  
17 we are told to do so, we will be happy to do so.

18 Q. (By Mr. Sprague) I would ask Mr. Smith, the nearest  
19 school would be Signal Hill School?

20 A. Signal Hill School would be the closest school to the  
21 pump station and the tributary or the drainage ditch that it  
22 would discharge in, you are looking at a mile and a half to two  
23 miles, approximately. We didn't measure it via from the mapping.  
24 It is just from its location away. And then the next closest one

26

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1 would be down in Cahokia. That would be more than two miles away  
2 from the canal or the ditch or the drainage ditch at Powder Mill.

3 Q. Mr. Carlisle answered everything but maybe 3(d). In  
4 your opinion, what would the downstream impacts of the CSO/Swirl  
5 Concentrator effluent be on Harding Ditch and Prairie DuPont  
6 Creek?

7 A. Harding Ditch, it does not enter until many miles away.  
8 We will get that information to you where it enters into Harding.  
9 Prairie DuPont Creek comes from another part of the tributary and  
10 it enters into the canals and the chutes and Harding Ditch down  
11 by the Mississippi River would not have an impact on that creek  
12 either. The only impact that discharge could have would be the  
13 Powder Mill Creek. With the exhibit of the USGS map, there is

14 many other unnamed tributaries that enter into Powder Mill Creek  
15 also.

16 Q. Okay. Four, does the City intend to implement posting  
17 of caution to residents about what could be in this creek?

18 A. We have looked at where we could put posting, and with  
19 the majority of this being on private property there is only one  
20 area parallel on Foley Drive where we feel that we could put  
21 posting. Putting in any type of barrier would hamper the  
22 possibility of any traffic, also. So we would probably put  
23 signage on the public right-of-way there.

24 When it gets into the private area, private residential

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1 area or private individual homes we feel that we can put out a  
2 direct letter to them that during a rainfall event there could be  
3 the possibility of a discharge from our Swirl Concentrator that  
4 has untreated waste, you know, at that time or do a once a year  
5 reminder to the residents on the Powder Mill Creek within a  
6 reasonable amount of distance.

7 Q. In the right-of-way where you could put the signs up,  
8 everybody that lives in Powder Mill Creek, which is a  
9 subdivision, as opposed to the name of the road, would drive by  
10 those signs and know that that ditch that goes in front of these  
11 houses and through there would have this overflow in it; is that  
12 correct?

13 A. That's correct.

14 Q. How long would that take us to accomplish?

15 A. At the most, three months. By the time you get proper  
16 signage made and developed and distributed and put out there and  
17 then identifying the affected properties and sending them  
18 certified registered mail, probably three months, max.

19 Q. The last question, we put in -- we put in the petition  
20 that we wanted a 12-month limit on the operation of the Swirl  
21 Concentrator. That is not right, is it? We want to operate it  
22 for --

23 A. The reason why that was put in the original, was at that  
24 time the standard was -- the Swirl Concentrator had not been out

28

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1 of construction yet. It was in the process and had not been put  
2 on line. So we did not have any data to back up what it could  
3 possibly do. Since then we have accumulated two, two and a half  
4 years of discharge data, and have been submitting it to the State  
5 and have a track record. And we believe that that statement  
6 there could actually, you know, be eliminated, the request of the  
7 12-month collection of data.

8 Q. Okay. What are the reasons for installing an auger in  
9 the Swirl Concentrator?

10 A. This is something that we have done upon our own. On  
11 the Swirl Concentrator we have installed a makeshift screen to  
12 try to capture any floatable, objectionable material that could

13 discharge. In doing so, we have reduced that factor. Since then  
14 we have purchased an auger that will actually extract the  
15 floatable material that enters into the Swirl Concentrator, not  
16 only during wet weather but also during dry weather. That  
17 material will be dumped into a dumpster and then landfilled  
18 properly. So the floatable and objectionable material, unless  
19 there is a mechanical failure of the unit, however, we would be  
20 alarmed and would be notified of it, would be the only time that  
21 it would cause a pass-through if it occurred.

22 MR. SPRAGUE: I think that's all I have.

23 HEARING OFFICER LANGHOFF: Okay. Mr. Sprague, I heard you  
24 discussing some of the questions in 2. But, for the record, I

29

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1 would like to ask you to -- if you could ask Mr. Smith to  
2 basically give a brief answer to some of those questions. Like,  
3 for 2(a) you stated that you didn't know, but could you ask Mr.  
4 Smith or someone else.

5 MR. SPRAGUE: Actually, he did the survey.

6 HEARING OFFICER LANGHOFF: Okay. Just briefly, please, Mr.  
7 Sprague. Thank you.

8 MR. SPRAGUE: Sure.

9 HEARING OFFICER LANGHOFF: Thank you.

10 R O B E R T G A R E G N A N I,

11 having been previously duly sworn by the Notary Public, saith as

12 follows:

13 EXAMINATION

14 BY MR. SPRAGUE:

15 Q. Do you want to identify yourself, for the record?

16 A. I am Robert Garegnani. I work for KBR Engineering. I  
17 am an engineer. I think it was just, you know -- maybe it was  
18 just a bad choice of words, I guess.

19 HEARING OFFICER LANGHOFF: What about 2(b)?

20 MR. GAREGNANI: I really didn't have anything blueprint to  
21 use.

22 HEARING OFFICER LANGHOFF: I am sorry. What --

23 MR. SPRAGUE: 2(b).

24 HEARING OFFICER LANGHOFF: And (c).

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1 MR. GAREGNANI: We went with in the vicinity of the  
2 overflow within the City limits, the people within the vicinity  
3 of it. Again, there was not really any guidelines of how far  
4 down the stream you go to do the survey, you know. So we went  
5 within the City limits, the City limits of Belleville and within  
6 the vicinity, the people closest to the actual overflow and the  
7 most affect on children.

8 HEARING OFFICER LANGHOFF: Okay.

9 MR. GAREGNANI: There really is not any guidelines to say,  
10 you know, if you do this residential survey you have to go two  
11 miles, three miles, four miles. But if you want to, we can

12 conduct another one and go further, all the way down.

13 HEARING OFFICER LANGHOFF: And 2(c), is the answer to that  
14 right now no?

15 MR. SPRAGUE: Not unless there is --

16 HEARING OFFICER LANGHOFF: Mr. --

17 MR. GAREGNANI: If you would like us to --

18 MR. SPRAGUE: -- a request to do so.

19 MR. SMITH: That could --

20 MR. SPRAGUE: Okay. Only one at a time. Our poor court  
21 reporter. Back to 2(b), as Mr. Carlisle testified, I mean, the  
22 streets named in 2(b) that have access to this ditch is so  
23 difficult that it might be a reason why they didn't do it.

24 HEARING OFFICER LANGHOFF: And, again, 2(c), Mr. Smith?

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1 MR. SMITH: To address 2(c), when we did the amended,  
2 amended adjust that has been submitted as Exhibit Number 1,  
3 collecting this information from the discharge point down to  
4 Triple Lakes Road, we felt internally that to do a further survey  
5 was not necessary at this time unless there is other evidence  
6 that we should. By walking it and visually documenting the  
7 footage and observing it, you know, firsthand is why we felt that  
8 we didn't need to do the second survey.

9 HEARING OFFICER LANGHOFF: Thank you, Mr. Sprague. I  
10 apologize. Is there anything else that you would like to bring

11 out today?

12 MR. SPRAGUE: I don't have anything else. We would be  
13 happy -- it is up to you. We would be happy to take you out  
14 there and let you see it.

15 HEARING OFFICER LANGHOFF: There are provisions for a Board  
16 site visit somewhere in the Rules. I would imagine that they  
17 wouldn't want to trek down that creek.

18 MR. SPRAGUE: You can see a lot of this from the car,  
19 really. I mean, again, that is up to you. That's your  
20 prerogative. I wouldn't want to tramp down it either. That's  
21 why Mr. Carlisle did it.

22 HEARING OFFICER LANGHOFF: For the record, Exhibit 1 will  
23 be the City of Belleville Petition for an Adjusted Standard  
24 Supplement 2001.

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1 (Whereupon said document was duly marked for purposes of  
2 identification as Hearing Exhibit 1 as of this date.)

3 HEARING OFFICER LANGHOFF: And Exhibit 2 will be -- what's  
4 the short form that you would call this data, Mr. Smith?

5 MR. SMITH: It is called daily monitoring reports, DMR,  
6 that is required through the State of Illinois, submitted by the  
7 15th of each month.

8 HEARING OFFICER LANGHOFF: That will be marked as Exhibit  
9 Number 2.

10 (Whereupon said document was duly marked for purposes of

11 identification as Hearing Exhibit 2 as of this date.)

12 HEARING OFFICER LANGHOFF: You are offering these?

13 MR. SPRAGUE: Yes.

14 HEARING OFFICER LANGHOFF: Okay. Thank you. Any  
15 objections, Mr. Sofat, to Exhibits 1 or 2?

16 MR. SOFAT: No.

17 HEARING OFFICER LANGHOFF: I will admit Exhibits 1 and 2  
18 into the record.

19 (Whereupon said documents were duly admitted into  
20 evidence as Hearing Exhibits 1 and 2 as of this date.)

21 HEARING OFFICER LANGHOFF: Mr. Sofat, do you have any  
22 questions?

23 MR. SOFAT: Yes, I have some questions, if I could have a  
24 couple minutes.

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1 HEARING OFFICER LANGHOFF: You certainly can. Does anyone  
2 need five minutes? No. Okay.

3 MR. SPRAGUE: Maybe the court reporter.

4 HEARING OFFICER LANGHOFF: I asked her first.

5 MR. SOFAT: Can you hear me okay from here?

6 HEARING OFFICER LANGHOFF: Will you speak up a little,  
7 please. Or if you could, just sort of face the court reporter  
8 just a little bit.

9 MR. SOFAT: Okay. I have questions for Mr. Carlisle.

10

EXAMINATION

11

BY MR. SOFAT:

12

Q. Let's go back to Exhibit B.

13

A. Okay.

14

15

HEARING OFFICER LANGHOFF: Exhibit B in what we are calling Exhibit 1, Mr. Sofat? Or are you talking about this data?

16

MR. SOFAT: In Exhibit 1.

17

18

HEARING OFFICER LANGHOFF: Exhibit B in Exhibit 1, for the record.

19

20

21

Q. (By Mr. Sofat) We would like to know if the duration in hours there that you have indicated in the table is cumulative hours? Is it cumulative?

22

A. Yes.

23

Q. Okay. The next one, let's go to Exhibit E.

24

A. Okay.

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1

Q. And if you can tell us the scale of that map?

2

A. Okay. This is the Sidwell.

3

4

MR. KARACA: Usually they are 1 to 100. Typically it is 1 to 100.

5

6

MR. CARLISLE: Not for Sidwell. It would not be 1 to 100. I couldn't tell you that. I can't answer that exactly.

7

MR. SPRAGUE: Can you find that out?

8

MR. CARLISLE: I could go look in the Sidwell for you.

9

MR. SMITH: We could find that out from the Sidwell book

10 that St. Clair County has. For copying reasons it may have cut  
11 it off.

12 MR. SPRAGUE: I can go make a phone call and get it.

13 MR. SMITH: We can make a phone call and back it up with  
14 some other documentation.

15 Q. (By Mr. Sofat) Okay. That would be great. I do have  
16 one more question. Let's go back to I think it is Exhibit A in  
17 Exhibit Number 1. We are looking at the snapshot number 33.

18 A. Okay.

19 Q. All right. Could you tell us the proximity of that  
20 ditch to the houses?

21 A. Okay. We will take a look here.

22 Q. Okay.

23 A. I will say these are all approximate figures, you know,  
24 how far downstream we were.

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1 Q. Right.

2 A. Because we lost track.

3 Q. All right.

4 A. Okay. The houses on that --

5 HEARING OFFICER LANGHOFF: Mr. Carlisle, are you looking at  
6 a map or an aerial photograph or anything?

7 MR. CARLISLE: Yes, I am looking at 33. I am looking at  
8 this picture, and then I am looking at where it is situated on

9 the Sidwell map.

10 HEARING OFFICER LANGHOFF: Okay. That's Exhibit E?

11 MR. CARLISLE: Yes, that is Exhibit E.

12 HEARING OFFICER LANGHOFF: Okay. Thank you.

13 MR. CARLISLE: I would say that is close to a mile. I  
14 couldn't tell you. That one was a pretty good distance away from  
15 the last house that we saw, which would have been on Powder  
16 Valley Drive. And then it is in between -- well, it is quite a  
17 good distance down before you get to the next set of houses,  
18 which were way down by Route 13. I would say it is greater than  
19 a mile.

20 Q. (By Mr. Sofat) Okay. Could you also tell us something  
21 about the accessibility, how accessible that ditch was?

22 A. The ditch?

23 Q. Yes. Could I just jump from --

24 A. The ditch is pretty inaccessible. I mean, I wouldn't

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1 want to walk down it, especially in the summertime, because you  
2 just can't get to it because of the foliage, and some of the  
3 banks are real steep. If you walk right down the center of it I  
4 guess, you know, you could get to it from our lift station, if  
5 you -- it is not very easy to get into.

6 Q. Okay.

7 A. There is a steep bank that comes off of Foley Drive and  
8 drops down into it. It is not very easy there.

9 Q. Okay. I guess page one of Exhibit E --  
10 A. Okay.  
11 Q. -- describes the location of the houses; is that true?  
12 A. Yes.  
13 Q. Okay. Could you tell us approximately what depths we  
14 will find --  
15 A. At which point?  
16 Q. From -- the green point is your outfall, right?  
17 A. That is the lift station.  
18 Q. Okay. I would like to go as far as you have the houses?  
19 A. Okay. As far as the houses, there is different areas.  
20 It is just like any other creek you go to. You can come to a  
21 point where there is hardly any flow. It is just trickling, like  
22 less than an inch, but it does have pools in it, you know, that  
23 can reach anywhere from, you know, six inches deep to a foot  
24 deep.

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1 Q. Okay. And that's --  
2 A. And that is --  
3 Q. That is true up to what point?  
4 A. That holds true pretty well up to that point that that  
5 picture 33 is.  
6 Q. Okay.  
7 A. I mean, it is -- as you can see in pictures 31 and 30

8 and 29, there is hardly -- there is very little flow in it up to  
9 that point.

10 Q. Okay.

11 A. And why it got deep right there -- that's about where it  
12 started to get halfway deep. But even then, you know, it is just  
13 like it is just a pool. Something might have been stopping it  
14 there, logs or trees or, you know, those kinds of things backed  
15 it up there. That's why it got deep. The further along we got,  
16 it got shallow again, it got rocky again, you know, it kind of  
17 was intermittent from there on until you got to around Route 15  
18 is where it got pretty muddy. Then after, say, a half mile of  
19 stream there at Route 15 it turned back into a rockier type  
20 bottom.

21 Q. When did you do the survey, what day? Do you know?

22 A. I can't remember. I can't remember if I wrote it in  
23 here. It was in the summertime.

24 Q. Okay.

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1 A. I think it was.

2 MR. SPRAGUE: Was it the same date as the report of the  
3 last exhibit?

4 MR. CARLISLE: Yes, it was in June. I am sorry. June.

5 Q. (By Mr. Sofat) Okay. Could you tell us if the survey  
6 was done after one day or seven days or ten days after --

7 A. After an overflow?

8 Q. After an overflow or --

9 A. Or after a rain event?

10 Q. Yes.

11 A. I would have to go back on our rain records. It should  
12 be in here.

13 HEARING OFFICER LANGHOFF: For the record, the first page  
14 of what has been marked as Exhibit Number 1 lists Exhibit C as  
15 containing photographs and explanations of them, of a survey  
16 conducted on May 15th and May 16th of 2001. Is that the dates  
17 that you took the photographs?

18 MR. CARLISLE: That's right.

19 HEARING OFFICER LANGHOFF: Okay. Thank you.

20 MR. CARLISLE: I am sorry. As far as rain in May, it had  
21 been raining in May. I can't tell you. I can't remember how  
22 soon after a rain it was. I could find out for you at the plant,  
23 because I could tell you which days it had rained in May exactly.  
24 I just have this broke down -- or combined into, you know, totals

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1 for the month.

2 Q. (By Mr. Sofat) Okay. That would be great. Thank you.

3 MR. SOFAT: Okay. I am done.

4 HEARING OFFICER LANGHOFF: Okay. Thank you, Mr. Sofat.

5 MR. SOFAT: I am sorry.

6 HEARING OFFICER LANGHOFF: He changed his mind.

7 MR. SOFAT: I have one more question, please.

8 Q. (By Mr. Sofat) I don't know who could answer this  
9 question. I was just told the question. Would you tell us what  
10 kind of reductions of the suspended solids you would see by using  
11 the Swirl Concentrator?

12 MR. SMITH: We had not done any prior analysis to the Swirl  
13 Concentrator. We only did it afterwards. Based upon the design,  
14 you are probably at about a 25 to 35 percent reduction. Now,  
15 that is just an engineering method that is used for design.

16 MR. SOFAT: Okay. Now we are done. Thank you.

17 HEARING OFFICER LANGHOFF: All right. Thank you, Mr.  
18 Sofat.

19 Mr. Sprague, do you have anything else?

20 MR. SPRAGUE: No. If you want to take a five minute break,  
21 I will go make a phone call and get the scale of that Sidwell  
22 map.

23 HEARING OFFICER LANGHOFF: And you are going to get the  
24 rainfall data at some point?

40

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1 MR. CARLISLE: Yes, I can get that for you.

2 HEARING OFFICER LANGHOFF: Okay. We are off the record for  
3 just a second.

4 (Discussion off the record.)

5 HEARING OFFICER LANGHOFF: We will take a five minute  
6 break. We will be back on at 10:10. Thank you.

7 (Whereupon a short recess was taken.)

8 HEARING OFFICER LANGHOFF: We are back on the record.

9 Thank you. Mr. Sprague.

10 MR. SPRAGUE: For the record, the scale on the Sidwell is  
11 one inch to 400 feet.

12 HEARING OFFICER LANGHOFF: All right. Thank you. Mr.  
13 Sofat.

14 MR. SOFAT: Yes.

15 HEARING OFFICER LANGHOFF: Present your case.

16 MR. SOFAT: Okay.

17 S C O T T T W A I T,

18 having been previously duly sworn by the Notary Public, saith as  
19 follows:

20 EXAMINATION

21 BY MR. SOFAT:

22 Q. Please state your name for the record.

23 A. Scott Twait.

24 Q. Where do you work?

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1 A. For the Illinois EPA.

2 Q. Okay. The Board has asked the following questions, and  
3 I am going to ask you them one by one. Could you please answer  
4 these.

5 In the City's petition and the Agency's recommendation,

6 there is an indication that the Agency and Belleville intend to  
7 seek a change in the water use destination from U.S. EPA if the  
8 Board grants the Adjusted Standard. The first question, would  
9 you explain why this would be necessary?

10 A. A change in the water use designation would not be  
11 necessary for the relief requested. However, a change in the  
12 water use designation would be necessary if a long-term control  
13 plan indicates that the fecal coliform water quality standards,  
14 35 IAC 302.209, would be violated and they requested relief of  
15 the water quality standards. The U.S. EPA reviews all changes to  
16 the water quality standards.

17 Q. Okay. Question number two, is U.S. EPA approval of such  
18 a change predicated on the City obtaining the adjusted standard  
19 from the CSO disinfection requirement?

20 A. No, it is predicated on the City obtaining relief from a  
21 water quality standard.

22 Q. Would there be a need for this adjusted standard if U.S.  
23 EPA approves a change in water use designation?

24 A. Yes, regardless of the stream designation, Belleville

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1 must meet the 306.305(b) requirements for disinfection of the  
2 discharge. 306.305(b) is a State requirement.

3 Q. Okay. Thank you. To what type of water use designation  
4 would the Powder Mill Creek be changed?

5 A. At this time, it would not be changed. If in the future

6 if the fecal coliform water quality standards are not met, the  
7 use designation would be changed to indicate that human health is  
8 not protected.

9 Q. Okay. The next question, what water quality standards  
10 would apply to the new use designation?

11 A. All general use water quality standards would apply  
12 except for fecal coliform. If human health were not protected,  
13 the fecal coliform would not need to be regulated.

14 Q. Thank you. Question number two, the Agency's  
15 recommendation included suggested conditions for the adjusted  
16 standard regarding measures to be taken for barriers, signage,  
17 and local education. The question I have is does the Agency  
18 recommend a time limit for these measures to be accomplished?

19 A. Just as soon as is practicable.

20 Q. Okay.

21 A. Additionally, I have one other comment.

22 Q. Sure.

23 A. The precautionary measures enumerated in the Agency's  
24 response are only examples of the measures that the City of

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1 Belleville could adopt. In no manner were these measures  
2 exhaustive.

3 Q. Okay. Thank you.

4 MR. SOFAT: Mr. Hearing Officer, I don't have any further

5 questions.

6 HEARING OFFICER LANGHOFF: All right. Thank you, Mr.  
7 Sofat.

8 Mr. Sprague, do you have any questions that you want to ask  
9 of the Agency?

10 MR. SPRAGUE: No.

11 HEARING OFFICER LANGHOFF: Okay. Thank you. Do you have  
12 an answer as to the rainfall question so that we can get it on  
13 the record?

14 MR. SMITH: The rain falls is what we have recorded down at  
15 the main plant. There was actually 14 days of rainfall. As of  
16 the dates of the survey of May 15th and 16th, it had not rained  
17 for about eight or nine days. We can submit this or come up with  
18 a cleaner copy. This is what was faxed up.

19 HEARING OFFICER LANGHOFF: Is it readable?

20 MR. SMITH: Yes.

21 MR. SPRAGUE: Okay. Why don't we put it in the record.

22 HEARING OFFICER LANGHOFF: Do you want to mark it as  
23 Exhibit Number 3?

24 MR. SPRAGUE: Yes.

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1 HEARING OFFICER LANGHOFF: Okay.

2 (Whereupon said document was duly marked for purposes of  
3 identification as Hearing Exhibit 3 as of this date.)

4 HEARING OFFICER LANGHOFF: Sanjay, any problems with Exhibit

5 Number 3? It is a rainfall record.

6 MR. SOFAT: No.

7 HEARING OFFICER LANGHOFF: It answers your question that  
8 you had.

9 MR. SOFAT: Yes.

10 HEARING OFFICER LANGHOFF: All right. Exhibit 3 will be  
11 admitted into the record.

12 (Whereupon said document was duly admitted into evidence  
13 as Hearing Exhibit 3 as of this date.)

14 MR. SPRAGUE: Thank you.

15 MR. SOFAT: Okay. Thank you.

16 HEARING OFFICER LANGHOFF: Okay. At this time I will go  
17 off the record and we will discuss a briefing schedule.

18 (Discussion off the record.)

19 HEARING OFFICER LANGHOFF: All right. We are back on the  
20 record.

21 We have just had a brief conversation discussing the  
22 submission of briefs. Both parties have represented that they do  
23 not intend to file a brief.

24 The transcript of these proceedings will be available from

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1 the court reporter by January the 18th of 2002. I will establish  
2 a public comment period of 14 days. Any public comment must be  
3 filed in accordance with Section 101.628 of the Board's

4 Procedural Rules. Public comments must be filed by January 22nd  
5 of 2002. The mailbox rule set forth at 35 Ill. Adm. Code  
6 101.102(d) and 101.144(c) will apply to any post-hearing filings.

7 The transcript of today's hearing is usually put on the  
8 Board's web site within a few days of its availability. I would  
9 just like to note that our web site address is  
10 www.ipcb.state.il.us.

11 Okay. Is there anything further from the parties before we  
12 conclude?

13 MR. SOFAT: No.

14 MR. SPRAGUE: No.

15 HEARING OFFICER LANGHOFF: Okay. Thank you. At this time  
16 I want to note again, for the record, that there are no members  
17 of the public present that want to make statements on the record.

18 I am required to make a statement as to the credibility of  
19 the witnesses testifying today during the hearing. This  
20 statement is to be based on my legal judgement and experience.  
21 And, accordingly, I state that I found all of the witnesses  
22 testifying to be credible. Credibility should not be an issue  
23 for the Board to consider in rendering a decision in this case.

24 At this time I will conclude the proceedings. It is

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1 Tuesday, January 8th, 2002, at approximately 10:25 a.m. We stand  
2 adjourned. Thanks, everyone, for their participation, and have a  
3 good day.

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(Hearing exhibits were retained by  
Hearing Officer Steven Langhoff.)

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1 STATE OF ILLINOIS )  
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2 COUNTY OF MONTGOMERY)

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C E R T I F I C A T E

I, DARLENE M. NIEMEYER, a Notary Public in and for the County of Montgomery, State of Illinois, DO HEREBY CERTIFY that the foregoing 47 pages comprise a true, complete and correct transcript of the proceedings held on the 8th of January A.D., 2002, at Belleville City Hall, 101 South Illinois Street, Belleville, Illinois, in the matter of: Petition of the City of Belleville, Illinois, for an Adjusted Standard From 35 Ill. Adm. Code 306.305, in proceedings held before Hearing Officer Steven C. Langhoff, and recorded in machine shorthand by me.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my Notarial Seal this 15th day of January A.D., 2002.

Notary Public and  
Certified Shorthand Reporter and  
Registered Professional Reporter

CSR License No. 084-003677  
My Commission Expires: 03-02-2003