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ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
SETBACK ZONE FOR CITY OF) R05-9
MARQUETTE HEIGHTS COMMUNITY) (Rulemaking Public
WATER SUPPLY, NEW 35 ILL. ADM.) Water Supplies)
CODE 618)

The following is the transcript of a hearing held in the above-entitled matter, taken stenographically by Gale G. Everhart, CSR-RPR, a notary public within and for the County of Peoria and State of Illinois, before Richard R. McGill, Jr., Hearing Officer, at 111 South Capitol Street, Pekin, Illinois, on the 1st day of March, A.D. 2005, commencing at 10:00 a.m.

1 PRESENT:

2 HEARING TAKEN BEFORE:
3 ILLINOIS POLLUTION CONTROL BOARD
4 100 West Randolph Street
5 James R. Thompson Center, Suite 11-500
6 Chicago, Illinois 60601
7 (312) 814-6983
8 BY: MR. RICHARD R. MCGILL, JR.

9
10 APPEARANCES FOR THE ILLINOIS POLLUTION CONTROL BOARD:

11
12 ANDREA S. MOORE, Board Member
13 ANAND RAO, Senior Environmental Scientist
14 THOMAS E. JOHNSON, Board Member

15
16 APPEARANCES FOR THE ILLINOIS ENVIRONMENTAL
17 PROTECTION AGENCY:

18
19 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
20 BY: KIMBERLY A. GEVING, ESQUIRE
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RICHARD P. COBB, P.G., Deputy Manager, Division of
Public Water Supplies, Bureau of Water

17
18 APPEARANCES FOR THE CITY OF MARQUETTE HEIGHTS:

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DAVID REDFIELD, Mayor of Marquette Heights
RICK CRUM, Superintendent of the City of
Marquette Heights
STEVE LITTLE, Alderman of Marquette Heights

24

1 ALSO PRESENT:

2 Harold S. Primack, Environmental Business Manger
3 for Atlantic Richfield Company

4 Members of the Public

5

6 I N D E X Page

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9 GREETING BY HEARING OFFICER 4

10 HEARING EXHIBITS ADMITTED INTO EVIDENCE:

11 EXHIBIT A 10
Richard Cobb's Prefiled Testimony

12 EXHIBIT B 22
Wellhead Protection Area Map

13 EXHIBIT C 52
Mayor Redfield's Prefiled Testimony

14 EXHIBIT D 53
Aerial Photo

15 EXHIBIT E 65
Peoria Region Map

16

17 Exhibits were retained by the Hearing Officer.

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1 HEARING OFFICER MCGILL: Good morning and welcome
2 to this Illinois Pollution Control Board hearing in
3 Pekin, the Marigold Capital of Illinois. My name is
4 Richard McGill, the hearing officer for this rule-making
5 procedure.

6 The Board docketed this rule making as R05-9,
7 and captioned the proceeding Setback Zone for City of
8 Marquette Heights Community Water Supply, New 35
9 Illinois Administrative Code 618.

10 Some brief background, on November 5 of last
11 year the Board received a rule-making proposal from the
12 Illinois Environmental Protection Agency to establish
13 1,000-foot setback zone protection for the community
14 water supply wells of the City of Marquette Heights in
15 Tazewell County. The proposal is the first of its kind
16 before the Board under section 14.3(d) of the
17 Environmental Protection Act which allows for the
18 establishment of maximum setback zones to prevent
19 contamination of particularly vulnerable ground water
20 sources used by community water supplies.

21 The proposed public water supply rules would
22 create a new part 618 of Title 35 of the Illinois
23 Administrative Code. On December 2nd, 2004, the Board
24 accepted the Agency's proposal for hearing.

1 Today is the first hearing of this
2 rule-making. Another hearing is scheduled for April 5,
3 2005, in Chicago.

4 Also present today on behalf of the Board, to
5 my left, Board Member Andrea Moore. She is the lead
6 board member for this rule-making. On my far right,
7 Member Tom Johnson, and to my immediate right Anand Rao,
8 who is the head of the Board's technical unit. Today's
9 proceeding is governed by the Board's procedural rules.
10 All information that is relevant and not repetitious or
11 privileged will be admitted into the record.

12 We will begin with the two participants who
13 prefiled testimony, the Agency and the City of Marquette
14 Heights.

15 As the Agency is the rule-making proponent,
16 we will start with the Agency's testimony followed by
17 any questions by the Board or any members of the public
18 who might have questions for the Agency. Then we will
19 have the testimony of the City of Marquette Heights
20 followed by any questions. After that, anyone else who
21 did not prefile testimony may testify. Those who
22 testify will be sworn in and may be asked questions
23 about their testimony.

24 For those who wish to testify but who did not

1 prefile, we have a witness sign-up sheet at the back of
2 the room.

3 For the court reporter transcribing today's
4 proceedings, I would ask that everyone please speak up
5 and do not talk over one another so that we have a clear
6 transcript.

7 Are there any questions about procedures
8 today?

9 (No audible response.)

10 HEARING OFFICER MCGILL: Showing none, I would ask
11 the court reporter to swear in the Agency's witnesses
12 collectively. Thank you.

13 (Agency's witnesses sworn.)

14 HEARING OFFICER MCGILL: Thank you. And now I
15 would ask the Agency attorney, Kim Geving, to begin the
16 Agency's presentation today.

17 MS. GEVING: Good morning. For the record my name
18 is Kimberly Geving, and I'm assistant counsel for the
19 Illinois Environmental Protection Agency. And to my
20 immediate left is Rick Cobb, who is the deputy manager
21 of the Division of Public Water Supply. And to my left,
22 one more over, is Stephanie Flowers, assistant counsel
23 also for the Illinois Environmental Protection Agency.

24 And this morning I do not have any opening

1 statements, but I would like everyone to know that there
2 are some extra copies of Rick Cobb's testimony and a
3 couple of the exhibits in the very back of the room on
4 the long table, as well as a map that was Appendix A to
5 the regulatory proposal. And at this time I'm ready to
6 proceed with Rick's summary of testimony if that's okay.

7 HEARING OFFICER MCGILL: That's great. Thanks.

8 MR. COBB: Good morning. As Kim said my name is --

9 MS. GEVING: First of all, Mr. Cobb, I would like
10 to show you a document and ask that you identify it for
11 the record.

12 MR. COBB: That is my prefiled testimony.

13 MS. GEVING: Is that a true and accurate copy of
14 what we filed in this matter?

15 MR. COBB: Yes, it is.

16 MS. GEVING: I would ask the court reporter to mark
17 this as an exhibit for the record, please.

18 HEARING OFFICER MCGILL: You can go ahead with your
19 summary, Mr. Cobb.

20 MR. COBB: Yes, good morning. As Kim said, my name
21 is Richard Cobb, and I am the deputy division manager,
22 Division of Public Water Supply at the Illinois
23 Environmental Protection Agency. My qualifications are
24 detailed in the -- in my curriculum vitae that's

1 attached as Exhibit 1 in the prefiled testimony.

2 I'm here today to testify in support of
3 Illinois EPAs proposal to establish a maximum setback
4 zone for the Marquette Heights community water supply
5 wells. This proposal is a preventative management
6 regulation intended to protect the well field used by
7 Marquette Heights. The statutory requirements of
8 section 14.3 of the Illinois Environmental Protection
9 Act have been met in order to propose such an expanded
10 zone of protection. The required public notice as
11 required under section 14.3 was provided, and, of
12 course, there were no comments received. In addition,
13 we also conducted state holder input from the Governor's
14 Groundwater Advisory Council which is made up of various
15 interest groups including industry, environmental
16 groups, agricultural, local and county governments,
17 regional planning, water well drillers, et cetera.

18 And in addition we also, under section 17.3
19 of the Illinois Environmental Protection Act,
20 coordinated with the Priority Groundwater Protection
21 Planning Region, the Central Planning Region, which is
22 comprised of Tazewell, Peoria, Mason and Woodford
23 Counties, prior to making this proposal to the
24 Board.

1 We use a geographic information system to
2 illustrate the regulatory boundaries relative to the
3 local land use plats. And the procedure that we use
4 there is the same procedure that Illinois EPA and the
5 Board codified under the Pleasant Valley regulated
6 recharge area proposal which is 35 Illinois
7 Administrative Code, part 617, in terms of the area
8 shown and delineated.

9 The benefit of prevention in my opinion
10 outweighs the cost of prohibiting any new potential
11 primary sources of groundwater contamination within the
12 proposed maximum setback zone. And the theory here is
13 that good water is good business; that we need good
14 water to maintain the economic growth and economy in an
15 area as well as to not only maintain that but to see
16 future growth.

17 At this time I will happy to answer any
18 questions that you might have.

19 HEARING OFFICER MCGILL: Before we do that, we have
20 the prefiled testimony of Rick Cobb, and the Agency
21 wishes to have that entered into the record as if read.
22 Is there any objection to doing so?

23 MR. TIBBS: None from the City.

24 HEARING OFFICER MCGILL: Thank you. As there is no

1 objection, we are marking Rick Cobb's prefiled testimony
2 as Exhibit A and entering that into the record as if
3 read.

4 At this point I know the Board has a few
5 questions. Is there any member of the public who has a
6 question?

7 (No audible response.)

8 HEARING OFFICER MCGILL: Seeing none, does anyone
9 here on behalf of the City of Marquette Heights have a
10 question for the Agency at this point?

11 MR. TIBBS: We have no questions.

12 HEARING OFFICER MCGILL: Okay. I just wanted to
13 give you first crack before we jumped in. We will have
14 a few questions at this point for the Agency.

15 MS. MOORE: Thank you. On page 3 of your prefiled
16 testimony I note that section 14.3 of the Environmental
17 Protection Act authorizes either the local government
18 served by a community water supply well or the Pollution
19 Control Board to establish a maximum setback zone of up
20 to 1,000 feet from the wellhead. Please explain under
21 what circumstances the Board rule might be the preferred
22 approach as opposed to a local ordinance.

23 MR. COBB: Yes. In this case the Marquette
24 Heights community water supply wells are actually

1 located within the municipal jurisdiction of the
2 north -- of North Pekin. So in this case the situation
3 arose where the City of North Pekin actually already has
4 a maximum setback zone for a particular well that
5 encompasses the Marquette Heights well. However, they
6 were going to abandon this well and drill another well
7 in a different location. And part of the reason they
8 were doing this is the negotiation, I believe, with
9 Amoco, BP Amoco, in terms of the area that could be used
10 under the tiered approach for corrective action
11 objectives in terms of applying the R26 equation,
12 expanding the area of compliance that they could use by
13 extinguishing the maximum setback zone.

14 However, I'll tell you also that I am very
15 familiar with the Amoco Mobil -- BP Mobil site. We used
16 to call it Amoco Mobil. I was actually involved in the
17 enforcement case as the Agency's primary witness when we
18 established the consent order with them. And we
19 reviewed monthly corrective action results from that
20 site, and they still have free product. Obviously one
21 of the provisions under the tiered approach for
22 corrective action objectives is that you cannot apply
23 the R26 equation if you still have free product
24 remaining on your site. So I envision that sometime

1 well into the future they will still have free product.

2 But those were basically the circumstances in
3 which the City was afraid that maybe they were going to
4 lose the protection that they received indirectly from
5 North Pekin's wells, and they still want to preserve
6 that area of protection in a proactive manner even
7 though these TACO consequences may not be until sometime
8 well in the future. But they wanted to --

9 MS. MOORE: And so was there a concern about the
10 City of Marquette Heights going by their own ordinance
11 that there would be an objection?

12 MR. COBB: They really would have no legal
13 authority to proceed with their own ordinance.

14 MS. MOORE: Okay.

15 MR. COBB: Since they were located in the municipal
16 jurisdiction of North Pekin.

17 MS. MOORE: Okay. Thank you. Oh, one other
18 question, just because I'm new at this hearing thing.
19 It was my understanding that BP Amoco was actually under
20 a court order.

21 MR. COBB: That's correct. They are under a
22 consent order.

23 MS. MOORE: And so if that's true, would that
24 1,000-foot setback issue not be part of the court order?

1 MR. COBB: The court order relates to the
2 corrective action that's applied at the site. It really
3 has --

4 MS. MOORE: Nothing to do with that?

5 MR. COBB: -- no relationship to the maximum
6 setback zone other than in the future -- right now they
7 are doing a very active remediation, pump and treat,
8 hydraulic containment, active soil venting and
9 bioventing because they have free product there as well
10 as dissolved contaminants including methyl tertiary
11 butyl ether which is very mobile. And, of course, they
12 are surrounded by Creve Coeur public water supply to the
13 north and right now North Pekin and Marquette Heights on
14 the south. So there is no direct relationship under the
15 corrective action order with BP Mobil in relation to the
16 setback.

17 MS. MOORE: Thank you.

18 HEARING OFFICER MCGILL: Just for the court
19 reporter, could you restate that compound you referred
20 to?

21 MR. COBB: Methyl tertiary butyl ether. The
22 Illinois Pollution Control Board has codified the
23 groundwater quality standards for -- MTBE is the acronym
24 which is the gasoline oxygenate additive. The Board has

1 established a groundwater standard for MTBE under 35
2 Illinois Administrative Code, part 620. And I was
3 involved in that. I was the Agency's primary witness in
4 that rule-making.

5 HEARING OFFICER MCGILL: Thank you.

6 MR. COBB: You're welcome.

7 MR. RAO: Just as a follow-up to Ms. Moore's
8 question, could you identify where this North Pekin well
9 is located in reference to well numbers 4 and 5
10 generally?

11 MR. COBB: In relation to the Marquette Heights --

12 MR. RAO: Yeah. The Marquette Heights well.

13 MR. COBB: The North Pekin wells, if you have got
14 Appendix A, I believe it is in my -- of the -- that came
15 with the proposal in the Statement of Reasons to the
16 Board. The North Pekin well sits approximately in the
17 middle of this area between -- kind of -- right adjacent
18 to the North Pekin wells. It's not delineated on the
19 map, but that's certainly something we could provide to
20 the Board.

21 HEARING OFFICER COBB: Just for the record,
22 Mr. Cobb, you are referring to Appendix A of the Agency
23 proposal, the rule-making proposal itself?

24 MR. COBB: That's correct.

1 MR. MCGILL: Okay. Thank you.

2 MR. RAO: Do any of the issues associated with BP
3 Amoco's contamination and the North Pekin wells also
4 apply to Marquette Heights wells? You mentioned that
5 one of the reasons for them closing that well and
6 relocating it was to do with BP Amoco's groundwater
7 contamination issue. So since they are located so close
8 to each other, are there any implications on Marquette
9 Heights' wells?

10 MR. COBB: Well, we don't -- the answer to that is
11 we don't know precisely because it's a future -- as I
12 have kind of emphasized, it's a potential future issue
13 when -- let's say at some point in the future they
14 remove free product and they are achieving maybe just
15 asymptotic levels on the removal of the dissolved
16 contaminant plume. And at that time then under TACO you
17 can use the R26 equation to whatever the cleanup
18 objective is on-site. You would have to meet the
19 groundwater standard at the associated setback zone of
20 any off-site receptor. So in the event that the maximum
21 setback zone were to be extinguished and in the future
22 they wanted to employ those provisions of TACO, then the
23 groundwater standard would have to be met at the minimum
24 setback which is 400 feet.

1 So with proposing the maximum setback zone,
2 it just provides an additional area of buffer and
3 protection in terms of that point of compliance. And
4 it's a futuristic thing. We really don't know what the
5 situation is going to be, but this is a proactive
6 regulation, a preventive regulation. And so I don't
7 have a precise answer, but I'm kind of giving you a
8 hypothetical.

9 MR. RAO: That's all right.

10 MR. JOHNSON: So it would move the point of
11 compliance another 600 feet away from wells 4 and 5?

12 MR. COBB: That's correct. Currently under the
13 Board's rules, under the TACO provisions, the R26, the
14 point of compliance would be at the applicable setback
15 zone of an off-site receptor.

16 MR. JOHNSON: I think that was part of Mayor
17 Redfield's -- in his prefiled testimony there was an
18 assertion -- I know I remember reading something like
19 that from him. And he specifically said the enlargement
20 would include an area that contained a plume of
21 contamination that originated at those tank farms.
22 Right? I mean, the enlargement of the setback area is
23 going to contain that plume?

24 MR. COBB: Well, I wouldn't want to speculate as to

1 whether -- I don't think the plume -- in that case we
2 are talking about a futuristic plume. I want to make
3 certain that we aren't alleging that there is an
4 existing plume that would be contained by this zone,
5 because I don't think that's the case with a very active
6 remediation that we are doing right now. So, once
7 again, that's in the context of the future.

8 MR. JOHNSON: All right.

9 MR. COBB: You wouldn't want a -- as we go on out
10 in that hypothetical I've provided, he would not want a
11 plume emanating from BP Amoco to extend up to his
12 minimum setback zone. They would prefer to have an
13 additional 600 feet of protection there. Of course,
14 with groundwater not only is there advective flow in
15 terms of the movement of the water, but in terms of the
16 contaminant there is going to be molecular diffusion and
17 mechanical mixing to dilute, if you will, and attenuate
18 any concentration so with that additional buffer it
19 would be an issue of nondetection at the actual well
20 which is something we would like to preserve.

21 MR. JOHNSON: Okay. Well, I'm glad you pointed
22 that out because my reading of that testimony --

23 MR. COBB: We want to be in compliance -- well,
24 another way to look at this would be in compliance with

1 section 12A of the Illinois Environmental Protection Act
2 where a contaminant can cause, threaten or allow a
3 violation of the Board's standards. Or another
4 way -- another thing that was constructed in the Board's
5 Groundwork Quality Standards Regulation is under section
6 620.301, is that you can't -- you similarly can't cause,
7 threaten or allow a diminishment of an existing use. So
8 that gets us down into the area of detection levels and
9 the nondegradation provisions of the Board's
10 regulations. And the Act doesn't allow one to pollute
11 up to the standard, the Board's standard.

12 MR. JOHNSON: Thanks.

13 HEARING OFFICER MCGILL: Just so I understand,
14 there is no evidence at this point that the groundwater
15 contamination plume from BM Amoco's tank farm would be
16 within the proposed 1,000-foot setback zone; is that
17 right?

18 MR. COBB: It's my opinion that, no, it would not
19 be. In the 1980s when we originally discovered
20 the -- at that time the Amoco Mobil site, there were
21 actually detectible levels found in some of the off-site
22 wells. And that's been some period of time, with an
23 interim agreed-to order and then a final consent decree
24 with active remediation. So the City may be aware of

1 more detection monitoring done on their own wells, but I
2 don't believe that the plume is off-site at this time; I
3 believe it's contained on-site.

4 HEARING OFFICER MCGILL: Do we know what the
5 groundwater flow direction is? Is the plume, the BP
6 Amoco plume, headed toward wells 4 and 5, or --

7 MR. COBB: Absolutely. We know the direction of
8 groundwater flow in my prefiled exhibit. In order to do
9 this proposal, we used a sophisticated groundwater
10 numerical groundwater flow model. And if you turn to
11 page -- first turn to page 14.

12 HEARING OFFICER MCGILL: And this is in your
13 prefiled testimony?

14 MR. COBB: This is in my prefiled testimony --

15 HEARING OFFICER MCGILL: Now Exhibit A.

16 MR. COBB: -- page 15. You will see the scope of
17 the groundwater flow model that was established for this
18 region. To the north is Creve Coeur, to the south is
19 Pekin. And to the north center is Marquette Heights.
20 More specifically then, that model was used to
21 approximate a water table for the area. They considered
22 not only the pumping -- the natural groundwater flow
23 conditions of the area, but also the pumping stresses
24 imposed on that groundwater flow conditions. I'll turn

1 you to Figure 4 on page 23. I'll refer you to that
2 figure.

3 That is the potentiometric surface of the
4 region which shows the direction of groundwater flow.
5 Now there are some dynamics associated with this water
6 table map in terms of the lock and dam, in terms of the
7 pool elevations on either side of the lock and dam which
8 occur to the north. The groundwater flow is going to be
9 perpendicular to these lines of equal elevation or
10 equipotential.

11 And that was the first stage of doing the
12 groundwater flow modeling. And the second stage then
13 was to impose the pumping stress on this regional model
14 and delineate then the capture zones for a specific
15 well. So we know the capture zones and the direction of
16 flow not only for the Amoco Mobil site, but for Creve
17 Coeur, Marquette Heights and North Pekin. I'll refer
18 you back to page 6. And on page 6 there is a Figure 1.
19 The resultant wellhead protection areas are the boundary
20 that's delineated after the pumping stresses have been
21 imposed. The contamination on the Amoco Mobil site is
22 being contained with hydraulic pumping. If you will,
23 there is a cone of depression there, hydraulically
24 containing the contamination. That was part of the

1 consent order.

2 HEARING OFFICER MCGILL: So it's no longer
3 migrating?

4 MR. COBB: No. It hasn't been migrating, to our
5 knowledge, since the interim agreed-to order that we
6 established with Amoco Mobil; and I believe that was in
7 1989.

8 HEARING OFFICER MCGILL: And, I'm sorry, one of the
9 things we struggled with is finding the definitive map
10 that shows everything in the area. And I know the City,
11 for its testimony today, has brought in a map to try to
12 give us the general layout of the various cities in the
13 area and where the undeveloped territory is and that
14 sort of thing. But where is the BP Amoco tank farm and
15 the contaminate plume in relation to wells 4 and 5 in
16 the proposed setback zone?

17 MR. COBB: Sure. I'll refer you to Figure 1 again.
18 And, hopefully, you have a color copy and not the black
19 and white version.

20 HEARING OFFICER MCGILL: This is page 6 of
21 Exhibit A?

22 MR. COBB: Page 6 of my testimony.

23 HEARING OFFICER MCGILL: Yeah. We have -- the
24 original, I imagine, is in our clerk's office.

1 MR. COBB: If you see the wellhead protection area
2 shown for Marquette Heights, you can see the tank farm,
3 the white tanks that are kind of in between the Creve
4 Coeur wellhead protection area and the North Pekin,
5 Marquette Heights wellhead protection area. That's
6 basically -- there is an area within that tank farm that
7 contains dissolved contaminant, free product
8 contaminant, and the remaining contaminant in the
9 unsaturated zone.

10 HEARING OFFICER MCGILL: If it's okay with Agency's
11 Counsel, I'm going to go ahead and mark this as Hearing
12 Exhibit B. It will make it easier for the public or
13 anyone interested in following along with the transcript
14 to have this actually as a hearing exhibit. Is there
15 any objection to that?

16 MS. GEVING: No objection.

17 HEARING OFFICER MCGILL: Seeing none, I will go
18 ahead and mark this as Exhibit B. And this is a color
19 version of Figure 1, page 6 of Mr. Cobb's prefiled
20 testimony. Thanks. That helps a lot.

21 MR. COBB: You're welcome.

22 MR. RAO: On page 4 of your prefiled testimony you
23 note that the Agency contracted with RAPPS Engineering
24 and Applied Science to develop a regional groundwater

1 flow model for Creve Coeur to Pekin area and to
2 subsequently delineate the wellhead protection area for
3 Marquette Heights' wells. In your prefiled testimony
4 you summarized the finding of the modeling. Would it be
5 possible for you to summarize the report, modeling
6 report, done by RAPPS engineering? Is that something
7 that is readily available?

8 MR. COBB: Most certainly. We have that
9 unpublished report.

10 MR. RAO: Okay.

11 MR. COBB: And that modeling was done statewide at
12 various places around the state to delineate the
13 wellhead protection areas for community water supplies
14 using unconfined aquifer systems. And that was really
15 done as part of the -- under the Federal Safe Drinking
16 Water Act. It was amended in 1996 to require what's
17 called source water assessment, delineation and
18 assessment. And that was really part of that program
19 that we felt that it was -- and, of course, we did a
20 rigorous review, our own modeling staff reviewed. We
21 have the actual computer file and are able to rerun and
22 validate these models ourselves. So we felt very
23 comfortable with the testimony.

24 MR. RAO: Okay. The reason I ask is, like I said,

1 it's the unpublished report and it would be helpful to
2 have that in the Board's library, too, the RAPPS report.

3 MR. COBB: We can certainly do that.

4 MR. RAO: Thank you.

5 HEARING OFFICER MCGILL: While we are asking for
6 copies of things, would it be possible to get a copy of
7 the court order that you have been referring to? It's
8 the BP Amoco, IEPA.

9 MR. COBB: Most certainly.

10 HEARING OFFICER MCGILL: Was that brought through
11 the attorney general's office?

12 MR. COBB: Yes.

13 HEARING OFFICER MCGILL: Which court?

14 MR. COBB: Right over here (indicating). Yeah. We
15 had our settlement meeting right here in Pekin. And I
16 don't remember the court designation, but it was held
17 right here.

18 HEARING OFFICER MCGILL: Okay. And just for Agency
19 Counsel, the various things we have been asking for, we
20 are having the second hearing in April. These items
21 could be provided as part of either prefiled testimony,
22 which then you would have to serve the service list
23 which at this point is a fairly short list, or you could
24 do it as public comment which, similarly, would need to

1 be served on the service list, or you could present it
2 as a hearing exhibit at the second hearing.

3 MS. GEVING: Okay.

4 MR. RAO: Okay. Moving on the same page 4 you
5 refer to the terms "wellhead protection area" or "WHPA,"
6 "lateral area of influence" or "LAI," and the maximum
7 setback zone. Would you please explain the meaning of
8 each of these terms and how they are interrelated if
9 they are?

10 MR. COBB: Yes, they are. We have made them
11 interrelated. First with the lateral area of influence,
12 in 1987 the portions of what were called the Illinois
13 Groundwater Protection Act were adopted and amended, the
14 various acts, including the Illinois Environmental
15 Protection Act. It established Section 14.3 of the
16 Environmental Protection Act which authorizes the
17 authority to establish maximum setback zones. And
18 within that statutory description you will find the term
19 "lateral area of influence" as the sort of key threshold
20 or test, if you will, to expand from the statutory
21 minimum setback to a maximum setback of up to 1,000
22 feet.

23 In addition, Section 14.3 authorized and
24 required the Illinois EPA to develop administrative

1 rules for detailing the criteria for determining the
2 lateral area of influence. And those have been -- those
3 were adopted in, I believe, 1988. I worked on those
4 rules as 35 Illinois Administrative Code, part 671.
5 There were various hydrogeologic criteria and methods
6 ranging from a simple area of influence calculation all
7 the way up to using a sophisticated groundwater modeling
8 approach.

9 In 19-- so that kind of lays the foundation
10 for minimum setbacks, maximum setbacks, lateral area of
11 influence, the methods and criteria for determining the
12 lateral area of influence which include sophisticated
13 groundwater modeling techniques.

14 Then in 1991 the Illinois EPA or Illinois
15 submitted a wellhead protection program and that was
16 approved. We submitted that pursuant to Section 1428 of
17 the Federal Safe Drinking Water Act which required
18 states to develop and adopt such wellhead protection
19 programs. And under Illinois' approved program we opted
20 to -- the components of wellhead protection are, first,
21 delineation; secondly, potential source identification
22 within those delineated wellhead protection areas;
23 thirdly, then, establishing some sort of a local
24 protection team or establishing some other regulatory

1 procedures to prevent contamination within those areas.

2 And in the case of Illinois we decided to use
3 a two-phased approach to delineation of the wellhead
4 protection areas. First, we ascribe an arbitrary fixed
5 radius of 1,000 feet for all community water supplies in
6 the state. Secondly, in 1991 we committed to
7 delineating the contributing recharge area for the
8 community water supplies using unconfined aquifer
9 systems. Those would be the more vulnerable to surface
10 contamination. And we committed to using modeling or
11 geologic mapping or other sophisticated techniques to
12 delineate wellhead protection areas.

13 So, basically, the sophisticated modeling and
14 the delineation approach not only encompasses the basic
15 concepts of lateral area of influence, but it meets that
16 minimum threshold, but it goes beyond that as well in
17 terms of taking into account the hydraulic
18 characteristics of the aquifer, regional pumping
19 stresses, regional groundwater flow direction, recharge,
20 et cetera. So that, indeed, is the relationship. As
21 well, we use the same approach when we proposed to the
22 Pollution Control Board the Pleasant Valley regulated
23 recharge area. In fact, the same exact approach is used
24 in that proceeding to delineate the contributing

1 recharge area for that well field.

2 MR. RAO: So this wellhead protection area
3 delineation lists statewide for all community water
4 supply wells, or is it just for certain wells that are
5 located in areas where they may be prone to
6 contamination?

7 MR. COBB: Well, the wellhead protection area, in
8 general, is for all community water supplies. The basic
9 1,000-foot fixed radius wellhead protection area is
10 generally established and remains for community wells
11 using confined aquifer systems. And those would be the
12 areas where you have a low vulnerability to surface
13 contamination, and then the determination of the
14 contributing recharge area then using groundwater
15 modeling as a phase-two wellhead protection area and is
16 site-specific and is, as you say, in specifically
17 highly vulnerable settings.

18 MR. RAO: Thank you.

19 HEARING OFFICER MCGILL: You referred to the Safe
20 Drinking Water Act and Section 1428 that's the Federal
21 statute. Does the Safe Drinking Water Act or its
22 regulations then impose specific requirements for
23 activities within the wellhead protection area, or does
24 it prohibit certain activities or regulate them?

1 MR. COBB: No. Section 1428 lays out the program
2 elements of a wellhead protection program. So if you
3 will, it provides sort of an outline of what a wellhead
4 protection program or process is on a site-specific
5 basis. So it doesn't codify any technology controls or
6 prohibitions or any management. It just says that once
7 you delineate these areas then the State is given
8 flexibility on how to protect those areas, but that any
9 successful wellhead protection program should deal with
10 preventing contamination within those areas. And that's
11 kind of left to the State.

12 Now in Illinois we have various tools. We
13 have local tools that -- for example, in the City of
14 Pekin they, using their home rule authority, adopted an
15 overlay zoning ordinance and set up conditional and
16 special use permits for new uses. And that was done
17 through local authority. Or Pleasant Valley, we used
18 the tools that are available through the Pollution
19 Control Board of establishing a regulated recharge area.
20 Or communities, if you will, have established the
21 maximum setback zones. And then in this case, this is
22 just another example of a state management tool that can
23 be found to manage and protect the wellhead protection
24 area.

1 But the Safe Drinking Water Act is silent.
2 It certainly gives you an outline of what a wellhead
3 protection program is, but doesn't get into specifics.

4 HEARING OFFICER MCGILL: Would you consider the
5 Board's part 615 and 616 rules as one of the components
6 of the wellhead protection program?

7 MR. COBB: Absolutely. It indirectly becomes part
8 of that because that's something that we envision
9 through our own Groundwater Protection Act. Once again,
10 just in a simplified sort of format. You kind of forget
11 the origins and just recognize you have different tools
12 that can be used to protect the wellhead protection
13 area. In this case that authority flowed from the
14 Groundwater Protection Act to the Environmental
15 Protection Act and applies certain technology controls
16 to certain existing and new activities within setback
17 zones and regulated recharge areas. So, yes, you are
18 correct, that's just another tool that is applicable
19 within the expanded setback if those specific activities
20 that are regulated under the Board's regulations. I was
21 the Agency's primary witness in that proceeding as well,
22 and so I'm very familiar with that aspect as well.

23 HEARING OFFICER MCGILL: Thank you.

24 MR. RAO: Moving on to page 16 of your prefiled

1 testimony --

2 HEARING OFFICER MCGILL: Hang on. We have one
3 follow-up question.

4 MS. MOORE: You said that -- keep in mind I don't
5 have a map so I don't have a clear idea, but I just have
6 to ask a couple of questions about the location of the
7 wells and the municipal boundaries. The wells 4 and 5
8 are in the incorporated boundaries of Marquette Heights?

9 MR. COBB: No. The wells --

10 MS. MOORE: Are they in the unincorporated area?

11 MR. COBB: The wells 4 and 5 are in the municipal
12 boundary of North Pekin.

13 MS. MOORE: Okay. That's what he thought you said.
14 And I thought now I'm just reading and reading trying to
15 see where it says that. It doesn't. It says they are
16 north of town is what you said -- on the west side of
17 town, is what you kept saying. So I thought the west
18 side of town meant the town of Marquette Heights. So
19 that's why they don't have the authority because their
20 wells are actually located in another city?

21 MR. COBB: Correct. Let me look back in the
22 Statement of Reasons for just a second because I think
23 that is described.

24 MS. MOORE: Maybe I missed it in that. What page

1 are you on?

2 MR. COBB: I don't know. I'm going to have to look
3 back and find it myself.

4 MS. MOORE: I only needed to clarify. If it's in
5 there, don't waste time.

6 HEARING OFFICER MCGILL: I'm pretty sure --

7 MR. COBB: Page 5 of the Statement of Reasons.

8 HEARING OFFICER MCGILL: This is now part of the
9 Agency's rule-making proposal submitted to the Board.

10 MR. COBB: The statement is "The City of Marquette
11 Heights has community wells located in North Pekin."

12 MR. MOORE: Okay. On page 5 it says that?

13 MR. COBB: That's correct.

14 MS. GEVING: It's in the Statement of Reasons and
15 not in his testimony.

16 MR. COBB: Let me look at my testimony quickly,
17 too, for a second.

18 HEARING OFFICER MCGILL: Yeah. Page 5 of the
19 Statement of Reasons within the Agency's proposal,
20 rule-making proposal, there is a reference to the City
21 of Marquette Heights has community water supply wells
22 located in North Pekin.

23 MS. MOORE: Thank you. That answers a lot.

24 HEARING OFFICER MCGILL: Thanks.

1 Anand, if you want to continue.

2 MR. RAO: Yes. This is kind of related to what
3 Ms. Moore was asking. On page 16 of your prefiled
4 testimony, you note that wells of Creve Coeur, Pekin,
5 North Pekin and Groveland Township Water District have
6 been included in your model along with BP Amoco
7 collective wells. First, I just want clarification
8 whether all these wells are all screened in the same
9 geographic unit as wells 4 and 5?

10 MR. COBB: The answer to that is, yes, they are
11 predominantly using the Sankoty aquifer system.

12 MR. RAO: Okay. And the second question I had is,
13 would it be possible for the Agency to provide a map
14 showing the location of all these wells? This goes back
15 to this problem we had in terms of visualizing where
16 different wells are, where the tank farm is and a map
17 that clearly shows that.

18 MR. COBB: That's actually in the page that I
19 provided as an exhibit.

20 HEARING OFFICER MCGILL: That's now Exhibit B.

21 MR. COBB: Exhibit B. In Exhibit B if you are
22 looking at a copy of that, you will see the wellhead
23 protection area to the north, Creve Coeur. And with the
24 digital aerial photograph, you can see the tank farm

1 directly south of that. And next you will see the
2 wellhead protection area for North Pekin, Marquette
3 Heights, followed by, I believe, the Groveland Township,
4 followed by the -- possibly the City of Pekin. Now we
5 would be happy to provide -- you know, maybe there is an
6 exhibit that we could prepare that more clearly labels
7 these. We can certainly do that, provide that to the
8 Board.

9 MR. JOHNSON: Did you say the tank farm is north or
10 south?

11 MR. COBB: The tank farm is south of Creve Coeur.
12 You should be able to see the white tank tops.

13 MR. JOHNSON: Okay. But not if the wellhead
14 protection is north of -- just south of Interstate 474?

15 MR. COBB: It's just south of -- do you see the
16 delineated wellhead protection area for Creve Coeur on
17 the north part of the map? South of that is the tank
18 farm. And then, yes, indeed the tank farm is north of
19 the wellhead protection area for Marquette Heights.

20 HEARING OFFICER MCGILL: This shows the wells. Is
21 that what you are wondering?

22 MR. RAO: It shows the wellhead protection area.

23 HEARING OFFICER MCGILL: You were wondering about
24 the specific wells on the map?

1 MR. RAO: Yeah.

2 MR. COBB: Yes, Dr. Rao, I don't believe on that
3 map I have shown the specific wells, but we could
4 certainly do that.

5 MR. RAO: It will be helpful.

6 MR. JOHNSON: I will speculate that they are within
7 the wellhead protection area?

8 MR. COBB: Oh, most definitely. Yeah.

9 HEARING OFFICER MCGILL: And, again, referring to
10 Exhibit B here -- so I guess we are asking for a map
11 that would show all of these different wells, not just
12 wells 4 and 5.

13 MR. COBB: Yes, we can do that. And, in fact, I'm
14 just kind of using a pragmatic approach of describing
15 it, because the wells are contained within those
16 wellhead protection areas.

17 HEARING OFFICER MCGILL: Okay.

18 MR. COBB: By having that, you know that the wells
19 are in those areas, but we can certainly delineate the
20 wells for you in an exhibit.

21 MR. RAO: So in this map we can see four specific
22 wellhead protection areas. Do those -- there is one on
23 Route 98 and one on South Main Street.

24 MR. JOHNSON: They have given us all their maps.

1 (Discussion off the record.)

2 HEARING OFFICER MCGILL: We were just discussing
3 the need for a map that would show, in addition to the
4 well locations Mr. Rao was inquiring about, also
5 something that had a legend clearly articulating the
6 different wellhead protection areas and the areas of
7 potential for aquifer recharge. And the Agency is
8 indicating they could put something together for our
9 second hearing in the way of maybe an oversized exhibit
10 or a map that we could all look at together.

11 But, Anand, I think you were inquiring about
12 it looks like there are four wellhead protection areas
13 delineated on this Exhibit B.

14 MR. RAO: Yes. That's correct.

15 HEARING OFFICER MCGILL: Could you identify those?
16 It's Marquette Heights, Creve Coeur, and what are the
17 two southernmost?

18 MR. COBB: I believe that would be the Groveland
19 Public Water District. And also then I believe the
20 other well would be part of Pekin's, the City of Pekin's
21 well field. They have various wells. They have some
22 wells to the north, and they have some wells to the
23 south, pretty close to hear, actually near Lake Arlann.
24 So basically what you are seeing there to the south

1 would be Pekin. And there is a small wellhead
2 protection area that, I believe, is the Groveland Public
3 Water District. Of course, Mr. Compton in the
4 background is the chair of that -- in the audience is
5 the chair of that water district. And then you would
6 come to the Marquette Heights, North Pekin well field,
7 then the tank farm, and then to the north would be Creve
8 Coeur's wellhead protection area.

9 So it's very important in that model to take
10 into account not only the regional aquifer, but all the
11 pumping stresses because that can have an effect on the
12 direction of groundwater flow. And that's why we use
13 this approach because it's the best science and it's the
14 best use of the information at hand versus just using
15 kind of a minimum Theis equation or something like that
16 to delineate the lateral area of influence.

17 The other reason for this is that there are
18 possibilities in the future we may want to consider
19 using this information as part of a regulated recharge
20 area if the Village or City might be willing to do that.

21 HEARING OFFICER MCGILL: Thank you.

22 MR. COBB: I'll also refer you to Figure 2 in my
23 testimony. That is a copy of -- that shows the actual
24 well locations relative to the proposal in hand here for

1 the -- that's on page 11, excuse me. That's actually
2 located on a United States Geological Survey topographic
3 map, a digital version of that. And there you can see
4 basically the municipal area there, Marquette Heights.
5 And you also see the North Pekin well that is there
6 adjacent to the Marquette Heights wells. And to the
7 north you will see that the tank farm is identified
8 there where it says "oil tanks."

9 HEARING OFFICER MCGILL: And that's the BP Amoco --

10 MR. COBB: That's correct. That's BP Amoco.

11 HEARING OFFICER MCGILL: Thank you.

12 MR. COBB: Just for maybe further clarification,
13 back in the mid '80s I note that -- I think maybe the
14 furthest extent of the plume would be -- there is a
15 subdivision there adjacent to the railroad just to the
16 north but yet south of the oil tanks. And at that time
17 we were aware the contamination had at least migrated
18 that far. You were asking questions earlier about the
19 size and the shape of the plume of contamination. Now
20 that was prior to the corrective action that was
21 required under the interim agreed-to order and then the
22 final consent decree.

23 HEARING OFFICER MCGILL: Thank you. That's very
24 helpful.

1 MS. MOORE: On page 24 of the prefiled testimony
2 you note that there is an advisory of groundwater
3 contamination hazard was issued to North Pekin and
4 Marquette Heights in 1990 July 25th. Is that advisory
5 still in effect?

6 MR. COBB: The advisories are a one-time kind of
7 thing. So it's not like a restricted status type list
8 or something that you might be familiar with for public
9 water supplies. It's --

10 MS. MOORE: Heads-up, pay attention?

11 MR. COBB: Yeah. That all related to the beginning
12 of the Amoco Mobil case. That was prior to the --

13 MS. MOORE: Right.

14 MR. COBB: -- consent -- or the interim agreed-to
15 order.

16 MS. MOORE: But it was issued due to the presence
17 of potential sources of contamination?

18 MR. COBB: That's correct. That being Amoco Mobil
19 at that time, now BP Amoco.

20 MS. MOORE: And were there any other potential
21 sources of contamination?

22 MR. COBB: That was our main driver for doing
23 those.

24 MS. MOORE: Okay. But you are not aware of any

1 other sources of contamination, are you?

2 MR. COBB: There are other -- well, let's make a
3 distinction between the word "potential" sources and
4 sources sources. We know that Amoco Mobil is a source
5 of contamination. There are other things that could
6 pose a potential -- as a potential source of
7 contamination. If you refer to Exhibit 5 you will
8 find -- of my testimony --

9 HEARING OFFICER MCGILL: This is --

10 MR. COBB: Page 55.

11 HEARING OFFICER MCGILL: Page 55 of Exhibit A,
12 Mr. Cobb's prefiled testimony.

13 MR. COBB: There is something there called the
14 Source Water Assessment Fact Sheet. And in that fact
15 sheet you will see a listing of potential sources of
16 contamination that are in and adjacent to the wellhead
17 protection area. If you turn to the second page of that
18 fact sheet and the third page -- once again, I'm
19 referring to these as "potential" sources. So I don't
20 know that there is groundwater --

21 MS. MOORE: You haven't had reports that you are
22 now considering for that area?

23 MR. COBB: No.

24 MS. MOORE: Thank you. On page 25 of your

1 testimony you describe the outreach efforts undertaken
2 by the Agency in preparing your proposal. Can you
3 comment on whether the Agency also made efforts to
4 contact owners or operators of potential sources of
5 contamination including BP as part of your outreach?
6 And is it your understanding that BP Amoco is aware of
7 this ruling?

8 MR. COBB: In the -- basically we provided notice
9 as required under section 14.3 to the City, to North
10 Pekin, to the Tazewell County Zoning Office in terms of
11 outreach to industry and business. Our main discussions
12 there were with the Governor's Groundwater Advisory
13 Counsel. So did we specifically bring in Amoco and
14 Mobil? No, because this really has no direct bearing on
15 them at this time. Potentially in the future it could.
16 And that could have been one of the drivers in terms of
17 a future outcome, but right now it's irrelevant.

18 MS. GEVING: If I might just interject here, I
19 recognize that somebody from BP Amoco is in the back of
20 the room. So they must be aware.

21 MS. MOORE: So you were noticed somehow.

22 HEARING OFFICER MCGILL: Yeah, I think we have seen
23 references to BP Amoco for the first time here in the
24 prefiled testimony; I think for the first time. And the

1 discussion in the prefiled testimony and here today
2 about the potential impact of this rule-making and
3 perhaps the term is "futuristic," but we still like --
4 we wanted to make sure that BP Amoco was aware of the
5 rule-making even if it is a remote possibility that that
6 might impact them. So for the record, sir, if you
7 wouldn't mind just stating your name. You are here on
8 behalf of BP Amoco?

9 MR. PRIMACK: Yeah. My name is Harold Primack,
10 P-r-i-m-a-c-k, Atlantic Richfield Company, affiliate of
11 BP Amoco. I found out about these hearings Sunday
12 evening at about 6 p.m. when I was looking at the
13 Illinois Pollution Control Board web site. One can
14 question why I was looking at the web site on a Sunday
15 evening.

16 HEARING OFFICER MCGILL: Welcome and we are glad
17 you are participating here today. Thank you.

18 I just had a few questions about the rule
19 language itself. In the proposed section 618.200(b),
20 I'll just flip through that. By this language is it the
21 Agency's intent that subsection (b) would make the
22 Board's part 615 and 616 requirements applicable within
23 the new maximum setback?

24 MR. COBB: Well, the -- there is two ways of doing

1 this. I think I would view this -- my first response
2 is, that's automatic. The Board's technology control
3 regulations apply within setback zones of regulated
4 recharge areas. So upon the effective date of the
5 establishment of this maximum setback zone the Board's
6 regulations would automatically dictate that it's
7 applicable, but just to -- for the purpose of showing
8 the cross reference and the area of applicability, it
9 was added here as subsection (b). This isn't the
10 driver. The driver would be section 14.4 of the
11 Environmental Protection Act which authorized the
12 development of the technology control regulations. And
13 the Board's regulations themselves specify that they are
14 applicable within setback zones.

15 HEARING OFFICER MCGILL: I guess the reason we were
16 questioning the wording of this particular provision,
17 it's a little ambiguous as to whether -- well, let me
18 just read it into the record so everyone who may not
19 have it in front of them. It refers to -- it's
20 subsection (b) of 618.200. It's for existing and new
21 activities regulated under 35 Illinois Administrative
22 Code 615 and 616 for agrichemical facilities regulated
23 under 8 Illinois Administrative Code 257 or 77 Illinois
24 Administrative Code 830, located wholly or partially

1 within the maximum setback zone boundaries delineated in
2 Section 618, Appendix A of this part. One way to read
3 that would be that the reference to "for agrichemical
4 facilities regulated" under these other administrative
5 code provisions is modifying the first line, "For
6 existing and new activities regulated under 615 and
7 616." It almost sounds like you are referring only to a
8 subset of activities regulated under part 615 or 616.
9 And I guess what I'm trying to figure out, is that the
10 intent?

11 MR. COBB: Yes. Because after the Board's
12 regulations were adopted over the objection of the joint
13 committee on administrative rules, then there was
14 subsequent legislation that required us to develop
15 alternative technology control rules for agrichemical
16 facilities. And part of those agrichemical facilities
17 are regulated by the Illinois Department of Agriculture.
18 And what we call the spray or the backpacker type folks
19 are regulated by the Illinois Department of Public
20 Health. So all those things work together. So, in
21 fact, agrichemical facilities can -- they can opt out of
22 the Board's regulations and, in fact, be regulated under
23 one of these other rules. And I participated in that
24 process from beginning to end. So --

1 MS. MOORE: And a painful experience it was.

2 MR. COBB: Yes. It was a learning experience.

3 HEARING OFFICER MCGILL: But I just want to make
4 sure I'm understanding this. Part 615 and 616 Board
5 regulations refer to activities like landfills, land
6 treatment units, surface impoundments, underground
7 storage tanks. It's your understanding that once this
8 maximum setback zone, 1,000-foot setback zone is
9 established, then all of those activities would then
10 be -- within the 1,000 feet would be subject to 615 and
11 616?

12 MR. COBB: Unless they are an agrichemical facility
13 and they opted out. All those other activities don't
14 have the option of opting out.

15 HEARING OFFICER MCGILL: So if --

16 MR. COBB: So like the landfill, land treatment,
17 surface impound, deicing agents, all the other
18 activities, piles, do not have an alternative set of
19 rules that they can opt out to participate in.

20 HEARING OFFICER MCGILL: Okay. And so the
21 reference then to agrichemical facilities regulated
22 under Department of Public Health regs and Department of
23 Agricultural regs, that's in addition to those
24 activities covered by 615 or 616?

1 MR. COBB: Let me kind of start from beginning to
2 end. Let's start with section -- just to kind of do a
3 flow chart to explain this. Section 14.4 of the
4 Environmental Protection Act listed the types of
5 activities that were on site, landfill, land treat,
6 special waste, excluding hazardous waste. And remember
7 this was prior to the Board's adoption of your solid
8 waste landfill regulations, parts 611 through 618.
9 And also included agrichemical facilities, road oils and
10 deicing agents. So, if you will, that's the whole sweep
11 of activities that are to be regulated under Board
12 regulations.

13 Going through the Board rule-making process,
14 the Board adopted those regulations over JCAR's
15 objection. And then at the time there was legislation
16 introduced specifically for the subset of the whole list
17 regulated under 14.4 and 615 and 616 to have alternative
18 rules that applied. And that subset just includes
19 agrichemical facilities. So that's kind of a flow
20 chart, and I think the answer to your question is yes.

21 HEARING OFFICER MCGILL: So those agrichemical
22 facilities have to affirmatively opt out of the Board
23 regulations?

24 MR. COBB: That's correct.

1 HEARING OFFICER MCGILL: Then they would fall under
2 Department of Public Health or Department of Ag?

3 MR. COBB: That's correct. And the rules that were
4 established lay out a coordination process with our
5 agency. So we know the agrichemical facilities that are
6 under the Board regulations. I don't think any of them
7 are. But we know where they are.

8 HEARING OFFICER MCGILL: So by referring to the
9 Board regs and these other administrative agency
10 regulations, it's your intent to cover both?

11 MR. COBB: Yeah. I'm just trying to cover what's
12 out there legally.

13 HEARING OFFICER MCGILL: Okay. I think we may need
14 a comma or something in there or an "and," because the
15 way it reads it almost looks like the for agrichemical
16 facilities under Department of Public Health and Ag is
17 modifying -- so you are like narrowing the set of
18 facilities that you want to regulate. But that -- it's
19 very clear now. So thank you for clearing that up.

20 I don't know, Tom or Andrea, do you have any
21 other questions for the Agency at this point in time?

22 MR. JOHNSON: I've got one that's probably
23 unnecessary, but this is language we need in all these.
24 And I think at least from a legal standpoint this has

1 the potential to make drafting of the proposed rule,
2 assuming we draft one, a lot easier. You're testifying
3 today as an expert. So this additionally, most
4 importantly, this will let me pretend I am practicing
5 law again. In your opinion then is this
6 promulgation -- there is a promulgation of this proposal
7 and based upon a reasonable degree of geological
8 certainty necessary to protect the environment; and,
9 further, is it both economically reasonable and
10 technically feasible?

11 MR. COBB: Yes.

12 MR. JOHNSON: Nothing more from me.

13 HEARING OFFICER MCGILL: Thank you.

14 MR. RAO: Just a follow-up to Mr. Johnson's
15 question. When you said this rule was economically
16 feasible and reasonable and technically feasible, would
17 the adoption of this rule have any impact on the list of
18 potential sources of contamination that you have given
19 in Exhibit 5 in terms of economics if they have to meet
20 additional requirements 615 and 616?

21 MR. COBB: Not on its face. Our analysis showed
22 no -- as you know 615 and 616 activities are pretty
23 specific in terms of special waste generated on-site at
24 various landfill and land treating, piling, agricultural

1 facilities, deicing agents, et cetera. Pretty specific
2 list of activities, and our analysis showed no
3 particular type of activity that would be immediately
4 impacted -- existing activity or category of potential
5 source that would immediately kick in and be regulated
6 by the Board regulations or these alternative rules.

7 MR. RAO: Thank you.

8 HEARING OFFICER MCGILL: Just for the record, I
9 think the Board is finished with its questions at this
10 point in time for the Agency. Does anyone else have any
11 questions for any of the Agency's witnesses at this
12 time?

13 MR. PRIMACK: I do.

14 HEARING OFFICER MCGILL: Go ahead if you could,
15 again, just for the record, state your name, title and
16 the organization you are representing here today.

17 MR. PRIMACK: Harold Primack, environmental
18 business manager, Atlantic Richfield Company, affiliate
19 of BP.

20 Referring to Appendix A of part of the
21 testimony of Mr. Cobb, and it shows an irregular area.
22 Am I correct that that is the maximum setback zone that
23 you are proposing?

24 MR. COBB: That's correct.

1 MR. PRIMACK: Okay. And the -- this was based on
2 some modeling. Did the modeling include the pumping of
3 the North Pekin well?

4 MR. COBB: Yes.

5 MR. PRIMACK: Okay. If that well were to be
6 closed, then moved, would you expect that the area that
7 you are showing on this figure would change?

8 MR. COBB: No, because this scenario includes the
9 pumping under that scenario.

10 MR. PRIMACK: Okay. And if the wells that are
11 being pumped on the BP Amoco property were to cease
12 pumping, would that significantly affect the area that
13 you would have determined should be the maximum setback
14 zone?

15 MR. COBB: No. That's a good reason why we use the
16 model to do this approach because we can look at those
17 various scenarios in anticipation of answering those
18 questions.

19 MR. PRIMACK: Thank you very much. That's all I
20 have.

21 HEARING OFFICER MCGILL: Thank you. Any other
22 questions for the Agency's witnesses? Any member of the
23 public have any questions?

24 (No audible response.)

1 HEARING OFFICER MCGILL: Seeing none, we are going
2 to take a short break.

3 (Whereupon, a recess taken in the
4 proceedings.)

5 HEARING OFFICER MCGILL: At this point the other
6 participant in this rule-making who prefiled testimony
7 is the City of Marquette Heights. So I will ask the
8 court reporter, if you would swear in collectively all
9 of the witnesses for the City of Marquette Heights.

10 (City of Marquette Heights' witnesses
11 sworn.)

12 HEARING OFFICER MCGILL: At this point I will turn
13 it over to Mr. Tibbs, counsel for the City. Thank you.

14 MR. TIBBS: Thank you, Mr. McGill. My name is
15 Michael Tibbs. I'm attorney for the City of Marquette
16 Heights in this proceeding.

17 To my immediate right is David Redfield,
18 mayor of the City of Marquette Heights. To my immediate
19 left is Rick Crum, who is the director of public works
20 for the City. And to my far left is Steve Little, one
21 of the aldermen for the City.

22 I would forgo any opening statement other
23 than to briefly address one point that came up during
24 the questioning of the IEPA's witnesses, and that was

1 the issue regarding the location of a plume of
2 contamination within the proposed setback zone. That
3 assertion contained in the mayor's testimony is a result
4 of an apparent misunderstanding on my part as to where
5 that plume is located. So just to address that right at
6 the outset.

7 We have, as Mr. McGill has already indicated,
8 prefiled the mayor's testimony. I move for admission as
9 Marquette Heights Exhibit Number 1 a copy of that
10 prefiled testimony.

11 HEARING OFFICER MCGILL: At this point we have a
12 motion to enter into the record as if read Mayor
13 Redfield's prefiled testimony. Is there any objection
14 to that.

15 (No audible response.)

16 HEARING OFFICER MCGILL: Seeing none, we will mark
17 that as Exhibit C, just to keep our alphabetical order
18 straight here, and enter that into the record as if
19 read. Thank you.

20 MR. TIBBS: Thank you. And then what I propose to
21 do then is have Mayor Redfield provide a very brief
22 summary of his testimony, and then at the conclusion of
23 that summary, I do have one other item that I would like
24 to introduce which is an aerial photo of the territory

1 that's affected by this rule-making in our opinion that
2 I have developed I think yesterday basically. And,
3 hopefully, with the idea of clarifying some of the
4 location issues that have been addressed earlier. And
5 so at the conclusion of the mayor's summary I will then
6 engage in discussion with him about that to try to make
7 clear on the record what all of the items on the map
8 indicate.

9 HEARING OFFICER MCGILL: The document you just
10 identified, it might be helpful if we just go ahead and
11 take your motion now, and I think it would be helpful if
12 we could all be looking on while the mayor gives his
13 summary and you ask questions about that aerial photo.

14 MR. TIBBS: So I would move for admission in what
15 would be labeled Exhibit D, I guess.

16 HEARING OFFICER MCGILL: That's right. Any
17 objection to entering the aerial photo map that
18 Mr. Tibbs has described as a hearing exhibit?

19 MS. GEVING: No objection.

20 HEARING OFFICER MCGILL: Seeing none, we will mark
21 that as Exhibit D and enter it into the record as a
22 hearing exhibit.

23 MR. TIBBS: I will go ahead and provide that to you
24 now.

1 HEARING OFFICER MCGILL: Thank you.

2 MR. TIBBS: It will be easier for all of you to
3 follow on that. I think the mayor is familiar enough
4 where he can testify based on a photocopy of it that I
5 have here.

6 HEARING OFFICER MCGILL: Great. And special thanks
7 to the City for pulling this together. It's very
8 helpful.

9 Go ahead.

10 MR. REDFIELD: Thank you. My name is David
11 Redfield. And I have been the mayor of the City of
12 Marquette Heights since May of 2001. I am testifying on
13 behalf of the City of Marquette Heights in support of a
14 proposal by the Illinois Environmental Protection Agency
15 to enlarge the setback zone which protects Marquette
16 Heights' water wells number 4 and number 5.

17 The City's water system serves approximately
18 1,120 service connections. The wells number 4 and 5 are
19 the only source of raw water for the city's system.
20 Wells number 4 and 5 draw their water from the Sankoty
21 aquifer. Accessible portions of the Sankoty aquifer lie
22 outside of the corporate limits of the City of Marquette
23 Heights. In fact, wells number 4 and 5 are located
24 within the Village of North Pekin.

1 Officials of the City of Marquette Heights
2 have been repeatedly advised over a period of years that
3 no suitable source of raw water lies within the
4 corporate limits of the city. If wells number 4 and 5
5 were to be contaminated and therefore made unusable, the
6 City would be forced to find alternative locations for
7 water wells.

8 However, because most suitable locations for
9 water wells appears to exist within the corporate limits
10 of the city, replacement of the existing wells will
11 likely involve, not only the expensive locating suitable
12 alternative sites for the wells and drilling of those
13 wells, but also the expense of the mains necessary to
14 transmit the water from those new wells to the city's
15 treatment and distribution system. Expansion of the
16 setback zone should help to reduce the risk that the
17 existing wells, numbers 4 and 5, will be contaminated by
18 increasing the distance between those wells and any
19 potential new sources of contamination.

20 However, it is also my understanding that an
21 enlargement of the setback zone would promote
22 remediation at the site of two tank farms which are
23 operated or under the control of BP Amoco. Petroleum
24 distillates were released at the site of that tank farm

1 over a period of years. As a result of the efforts of
2 the Illinois Environmental Protection Agency, BP Amoco
3 has been ordered by the Tazewell County Circuit Court to
4 complete a comprehensive corrective action program
5 designed to remove those contaminants from the ground
6 water in the area. The enlargement of the setback zone
7 may reduce the risk that the Court will authorize
8 termination of that remediation program.

9 By the way of summary, the City of Marquette
10 Heights strongly supports the proposed increase in the
11 setback zone which protects its wells number 4 and
12 number 5. Wells number 4 and 5 are the only cost
13 effective sources of raw water for the City and those
14 sources of raw water lie within an area vulnerable to
15 contamination.

16 On behalf of the City I urge the Pollution
17 Control Board to approve the enlargement of the setback
18 zone which protects wells number 4 and number 5. And I
19 am willing to respond to any questions regarding this
20 position of the City of Marquette Heights in this
21 matter. Thank you.

22 HEARING OFFICER MCGILL: Thank you very much,
23 Mayor.

24 Now the Board has just a few questions they

1 would like to pose. Maybe we will just go ahead and get
2 started with our questions, and then I will open it up
3 to see if the Agency or any members of the public have
4 any questions.

5 MS. MOORE: I know that you stated on page 3 of
6 your testimony and again here today that there really
7 are no suitable sources of raw water for the City of
8 Marquette Heights. Understanding the cost of
9 transmission lines and so forth is really a difficulty,
10 have you actually ever pursued looking at the Illinois
11 River as a source of potential for water for the City?
12 And along the same lines, are there any deep aquifers
13 that might be in the area that could be of use?

14 MR. REDFIELD: It is the City's understanding that
15 the Sankoty aquifer lies outside the City, the corporate
16 limits. And our current wells are in North Pekin. We
17 have explored possibly getting water from the Illinois
18 River. The level of treatment and those costs go up as
19 well as the fact that the City -- that the river is not
20 within the boundaries of the City of Marquette Heights.
21 So the same extra costs apply with the additional
22 treatment required as well as getting the water from
23 there to our treatment facility.

24 MS. MOORE: Right. But the Sankoty aquifer isn't a

1 deep aquifer, right? Your well is somewhere around
2 100 -- did I read that correctly -- it's somewhere
3 around 100 feet?

4 MR. COBB: I will characterize it as a deep sand
5 and gravel aquifer versus a shallow bedrock or a deep
6 bedrock aquifer. It is a deep sand and gravel aquifer.

7 MS. MOORE: I'm from the northern part of the
8 state. When I hear that -- I've got a well in my back
9 yard that is 35 feet -- that is almost 100 feet right
10 now. And my next door neighbor's is 1,000 feet. So I'm
11 trying to figure out -- I know aquifers are all
12 different. Have you ever pursued a deep -- what I would
13 refer to as a deep aquifer in the city limits? And is
14 that possible in this part of the state?

15 MR. COBB: Let me help the mayor with that.

16 HEARING OFFICER MCGILL: Mr. Cobb and everyone else
17 are still sworn, so they can jump in and provide
18 testimony if that's okay?

19 MR. COBB: Yes. In this part of the state as you
20 transgress south from Northern Illinois, the deeper
21 aquifer systems become saline in nature due to their
22 depth. And so I would be concerned with high levels of
23 TDS, sulphate and maybe even radionuclides naturally
24 occurring. So that's the reason why you don't see many

1 deep bedrock wells in this part of the state.

2 MS. MOORE: Thank you.

3 HEARING OFFICER MCGILL: Mayor Redfield, I have a
4 question. Page 5 of your prefiled testimony you
5 mentioned that relocating wells within North Pekin would
6 require long, expensive runs of pipe making them
7 impractical. Are there any specific or general areas
8 within North Pekin that you have considered the
9 possibility of relocating wells?

10 MR. REDFIELD: It is our understanding that North
11 Pekin is in the process of relocating a well. And it
12 has been explored that Marquette Heights could possibly
13 put some wells in the same general area. A couple
14 concerns come up. One is the additional pumping
15 stresses that that would cause in a fairly contained
16 locale. And the second is that to get out of the
17 built-up area and to locate these wells in that more
18 rural section where it would be more conducive to having
19 the wells protected, causes a long pipe run to get the
20 water back to our treatment facility.

21 HEARING OFFICER MCGILL: That alternative well
22 site, where is that in relation to wells 4 and 5
23 generally?

24 MR. REDFIELD: It is our understanding --

1 HEARING OFFICER MCGILL: Exhibit D here which shows
2 wells 4 and 5, whereabouts would that alternative site
3 have been?

4 MR. REDFIELD: It's our understanding that North
5 Pekin is putting new wells south on Route 29 about a
6 mile, mile and a half south, just off Route 29 from
7 where our existing wells and their existing well exist.

8 HEARING OFFICER MCGILL: So it would be south of
9 wells 4 and 5?

10 MR. REDFIELD: Exactly. And I'm not sure of the
11 exact distance, but it's a significant area.

12 HEARING OFFICER MCGILL: So at this point
13 Pekin -- North Pekin, I'm sorry, may be looking into
14 that for their own purposes; is that correct?

15 MR. REDFIELD: It is our understanding that the
16 North Pekin well that lies directly across Route 29 from
17 wells 4 and 5 is no longer in use by North Pekin and
18 that their intention is to abandon that well and cap it
19 in exchange for a new well that's been proposed south of
20 the existing location.

21 HEARING OFFICER MCGILL: Thank you.

22 MR. RAO: Mayor Redfield, I have just one question,
23 kind of a clarification. On page 4 of your prefiled
24 testimony you note that if Marquette Heights were to

1 replicate the water well and water treatment facilities
2 recently constructed by East Peoria, the need of
3 Marquette Heights to provide at least one backup source
4 of well water likely requires your City to spend
5 substantially more than what East Peoria did. I think
6 something in the range of \$1.5 million. If Marquette
7 Heights were to undertake a project similar to East
8 Peoria's, would Marquette Heights current emergency
9 backup arrangement with North Pekin water supply no
10 longer be available? Or I was just curious as to how
11 that -- why there would be a need for emergency backup.

12 MR. REDFIELD: Marquette Heights currently has two
13 water wells to provide ourselves with a backup in the
14 event of a mechanical failure of either of our wells.
15 We would like to maintain that same level of security
16 for our residents. We treat our water. We soften our
17 water for our residents. North Pekin does not provide
18 that level of service off of their water. However,
19 North Pekin, Marquette Heights has a close working
20 relationship over a number of years. And I would hope
21 that regardless of the outcome of this situation and
22 future wells and things that Marquette Heights, North
23 Pekin would continue to work together on an emergency
24 basis to provide each other with water as an emergency

1 supply.

2 I don't believe that North Pekin's wells and
3 capacity nor Marquette Heights' wells and capacity is
4 large enough and has enough capacity to supply both
5 communities over an extended period of time for what our
6 development and futures would hold. But on an emergency
7 basis, we like to have that flexibility. And we have so
8 far been able to cooperate in that regard and I would
9 hope that that wouldn't change.

10 MR. RAO: Thank you very much.

11 HEARING OFFICER MCGILL: Mr. Tibbs, did you want to
12 run through any questions with the mayor regarding the
13 aerial map?

14 MR. TIBBS: Perhaps it would be just as easy for me
15 to provide a narrative of what all of the items on this
16 map indicate.

17 HEARING OFFICER MCGILL: That's fine.

18 MR. TIBBS: Subsequent to preparing the map while
19 the testimony was taking place this morning, there were
20 questions, for example, about the location of the North
21 Pekin well. And so with the assistance of Rick Crum, I
22 did locate on the very edge of the aerial map, I marked
23 in pen the location of the existing North Pekin well
24 which the mayor indicates is currently not being used.

1 I also --

2 HEARING OFFICER MCGILL: I'm not sure if that's on
3 all the copies or not. But just for the record -- and
4 this is Exhibit D, there is what's been marked as "North
5 Pekin well," it looks like it's -- is it just northwest
6 of wells 4 and 5?

7 MR. TIBBS: Yes. Just slightly northwest
8 of -- there is a small -- when we get done, I will mark
9 it on everybody's map. It's this little triangle here
10 that lies on the line marking the location of wells 4
11 and 5. North Pekin's well is located right in that area
12 (indicating).

13 HEARING OFFICER MCGILL: Thank you. And that's the
14 one that is being abandoned?

15 MR. TIBBS: That's correct. That's our
16 understanding is that that one is being abandoned.
17 There was also questions about the location of the BP
18 Amoco tank farm. So I did mark my interlineation. And,
19 again, you can see that clearly on the aerial photo the
20 location of the BP tank farm.

21 The Village of North Pekin, as you can see
22 it's well-developed. There is not any really
23 substantial areas of vacant ground that could be the
24 source of additional wells. That's, I think, what the

1 mayor was referring to when he indicated that most
2 likely any new well would be located south of the
3 village. And, in fact, the Village of North Pekin's
4 existing -- the only remaining operative well, I think,
5 is located in this -- again, it's not marked on here.
6 It's south, generally south. It would be in the lower
7 left-hand corner of the aerial. And it's our belief
8 that on the Agency's exhibit where those protection
9 zones are located that one has been referred to as
10 "Pekin." It's actually North Pekin's well. And the one
11 that is the farthest south is the Groveland Township
12 Water District.

13 HEARING OFFICER MCGILL: You are referring to what
14 is our Exhibit B? The color --

15 MR. TIBBS: Yes.

16 HEARING OFFICER MCGILL: -- map?

17 MR. COBB: We will get that cleared up on that
18 exhibit.

19 MS. GEVING: May I ask one quick question here?

20 HEARING OFFICER MCGILL: Sure.

21 MS. GEVING: Just for a point of clarification on
22 this map, north would be to the top of the paper; is
23 that correct?

24 MR. TIBBS: That's correct.

1 MS. GEVING: Okay.

2 MR. TIBBS: In the mayor's prefiled testimony he
3 indicated the boundaries of the city are basically along
4 a bluff. And I think if you -- it's clearer on the map
5 that -- the original map, not on the photocopied one,
6 you can see the tree line basically is the bluff that
7 starts the boundaries of the city. And Rick Crum has
8 perhaps even another exhibit that we can use. It's not
9 very large or substantial, but it shows that that area
10 where Marquette Heights is located and the areas to the
11 east are basically in a "no water" area according to
12 this groundwater in the Peoria region map that maybe we
13 can just go ahead and have this marked as an exhibit.

14 HEARING OFFICER MCGILL: If you could just hand
15 that to me so I could describe it.

16 MR. TIBBS: The area that we are referring to is
17 right here. That's where the City of Marquette Heights
18 is located and Groveland Township to the west -- or to
19 the east, excuse me.

20 HEARING OFFICER MCGILL: Okay. This is a
21 figure -- do we know what publication or book this is
22 from?

23 MR. CRUM: It came from the Illinois Geological
24 Survey. They just sent me a copy of it. I have no idea

1 what publication it was in.

2 HEARING OFFICER MCGILL: Okay. It's entitled
3 "Groundwater in the Peoria Region, Figure 6,"
4 "Groundwater Conditions in the Peoria Region." And I
5 will go ahead and mark that as --

6 MR. CRUM: Mr. Cobb might know what publication it
7 was in.

8 HEARING OFFICER MCGILL: You say you got this
9 directly from --

10 MR. CRUM: Illinois Geological Survey.

11 HEARING OFFICER MCGILL: The Illinois Geological
12 Survey.

13 MR. CRUM: Do you recognize that?

14 MR. COBB: Yes. I have seen this before, and if
15 you go to Exhibit 2, the list of technical references in
16 my testimony this probably occurs in a number of
17 different publications including the report published by
18 Richard Schicht, 19-- hold on a second.

19 The Marino, Schicht publication, 1969,
20 Groundwater Levels and Pumpage in the Peoria-Pekin Area.
21 And if my memory serves me, there was a more updated
22 one. That's the Burch and Kelly report of 1993, the
23 Peoria-Pekin Regional Groundwater Quality Assessment.
24 And just from my experience and knowledge of this area

1 the bluff does form a boundary where the aquifer pinches
2 out.

3 HEARING OFFICER MCGILL: Thank you. So I have
4 marked as Exhibit E, Groundwater in the Peoria Region,
5 Figure 6, from the Illinois State Geological Survey. Is
6 there any objection to entering that as a hearing
7 exhibit?

8 MS. GEVING: No objection.

9 HEARING OFFICER MCGILL: Seeing none, that will be
10 Hearing Exhibit E.

11 MR. TIBBS: Then the other items marked on the map,
12 if you will note the blue lines, of course, are the
13 water distribution lines for the Marquette Heights'
14 water system. And as indicated in the mayor's prefiled
15 testimony, the water lines from the Marquette Heights'
16 system go into the area that's identified as the
17 undeveloped territory. And, in fact, my
18 understanding -- correct me if I'm wrong here,
19 Mayor -- those lines were run into that area at the
20 expense of the State through a grant from the State of
21 Illinois because the people who reside in that area
22 basically had no good source of water to serve that
23 area. Again consistent with the experience of the City
24 relative to location of its own wells and the experience

1 of the residents in the area that there is no good
2 source of water in that area.

3 MR. REDFIELD: That's correct.

4 HEARING OFFICER MCGILL: Thank you. Does the Board
5 have any further questions for the City? I'll open it
6 up then. Does the Agency have any questions for the
7 City at this point?

8 MS. GEVING: No questions.

9 HEARING OFFICER MCGILL: Thank you. I will open it
10 up to members of the general public. Does anyone have
11 any questions today for any of the City's witnesses?

12 (No audible response.)

13 HEARING OFFICER MCGILL: Seeing none, I will just
14 move on to a few procedural items before we adjourn.

15 First, just for the record, is there anyone
16 else who wishes to testify today?

17 (No audible response.)

18 HEARING OFFICER MCGILL: Seeing no response, I will
19 mention that anyone may file a written public comment on
20 this rule-making proposal with the clerk of the board.
21 We have a second hearing scheduled in this rule-making
22 for April 5 at 10 a.m. It will be in Chicago at the
23 Thompson Center Room 2-025, 100 West Randolph Street.

24 The current notice and service lists for this

1 rule-making, just a couple words about that. Persons on
2 the notice list receive only Board and Hearing Officer
3 orders. Those on the service list, they are generally
4 participating more actively in the rule-making, and they
5 receive copies not only of those orders, but also other
6 filings made by participants such as public comments or
7 prefiled testimony.

8 I'll mention that as part of the Board's
9 voluntary electronic filing pilot project, prefiled
10 testimony and public comments in this rule-making may be
11 filed through the Board's web base, Clerk's Office
12 Online or COOL. Questions about electronic filing
13 through COOL should be directed to the clerk's office at
14 (312) 814-3629. Please note that all filings with the
15 Clerk of the Board must be served on the hearing officer
16 and on those persons on the service list for this
17 rule-making.

18 Before filing any document with the clerk,
19 please check with Sandy Wiley at (312) 814-3623, or at
20 Wileys, that's W-i-l-e-y-s at ipcb.state.il.us, or you
21 can check with me or the Clerk's office, just make sure
22 you have the most recent version of the service list.

23 My phone number is (312) 814-6983, or by
24 e-mail at mcgillr, it's M-c-g-i-l-l-r, at

1 ipcb.state.il.us. And feel free to contact me with any
2 procedural questions you have about this rule-making.

3 Copies of today's transcript should be
4 available to the public and posted on our web site by
5 March 14th. And on the web site you will also find
6 various other documents related to this rule-making,
7 including the Agency's proposal and Board orders
8 throughout the proceeding. Are there any other matters
9 that need to be addressed at this time?

10 (No audible response.)

11 HEARING OFFICE MCGILL: Seeing none, I would like
12 to thank everyone for participating today. This hearing
13 is adjourned.

14

15

16 (Whereupon, the proceedings concluded
17 at 11:51 a.m.)

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1 STATE OF ILLINOIS)
2) SS
3 COUNTY OF PEORIA)

4

5
6 CERTIFICATE OF REPORTER

7

8 I, GALE G. EVERHART, CSR-RPR, Notary Public
9 in and for the County of Peoria, State of Illinois, do
10 hereby certify that the foregoing transcript, consisting
11 of pages 1 through 70, both inclusive, constitutes a
12 true and accurate transcript of the original
13 stenographic notes recorded by me of the foregoing
14 proceedings had before Hearing Officer Richard R.
15 McGill, Jr., in Peoria, Illinois, on the 1st of March,
16 A.D. 2005.

17

18 Dated this 9th day of March, A.D. 2005.

19

20

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22

GALE G. EVERHART, CSR-RPR
Illinois License No. 084-004217

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