

ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD

March 3, 2003

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STATE OF ILLINOIS
Pollution Control Board

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| IN THE MATTER OF: |) | |
| |) | |
| SITE SPECIFIC RULE FOR CITY OF |) | R03-11 |
| EFFINGHAM TREATMENT PLANT |) | (Site-Specific |
| FLUORIDE DISCHARGE, 35 ILL. ADM. |) | Rulemaking – Water) |
| CODE 304.233 |) | |

NOTICE OF HEARING

DATE, TIME, AND PLACE:

APRIL 11, 2003
 10:00 a.m.
 CITY OF EFFINGHAM
 CITY HALL COUNCIL CHAMBERS
 201 EAST JEFFERSON
 EFFINGHAM, ILLINOIS 62401

PURPOSE OF HEARING: Merit and Economic

ATTENDING BOARD MEMBERS: Thomas E. Johnson

HEARING OFFICER: John Knittle

HEARING OFFICER ORDER

Background

On October 22, 2002, the City of Effingham (City), Blue Beacon International, Inc. (BBI) and Truckomat Corporation (Truckomat) (referred to collectively as “petitioners”) filed a proposal for rulemaking under Section 27 of the Environmental Protection Act (Act) (415 ILCS 5/27 (2002)), to change regulations governing fluoride found in the Board’s rules at 35 Ill. Adm. Code 302.208(g).

BBI and Truckomat operate truck washes in Effingham, Effingham County. The wastewater from the truck washes contains fluoride resulting from the brighteners used in washing the trucks. Petitioners state that there are no alternative replacements for these brighteners, and discontinuing their use would cause a severe negative economic impact.

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact Dorothy Gunn, Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.

Petitioners further state that the site-specific fluoride level proposed will be protective of aquatic life, human health, and the environment as a whole.

The wastewater discharges into an unnamed tributary of Salt Creek, which flows into the Little Wabash River, 37 miles upstream from the City of Flora. The City's current daily fluoride effluent limit is 1.4 mg/l, the same as the 1.4 mg/l water quality standard. The City seeks an effluent limit of 4.5 mg/l subject to the averaging rule of 35 Ill. Adm. Code 304.104.

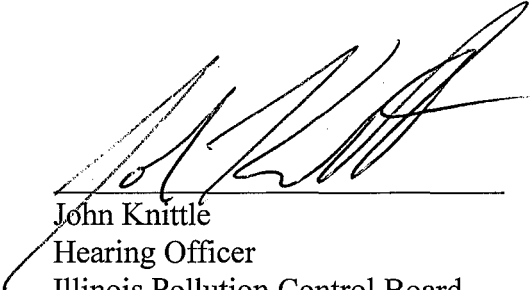
On November 7, 2002, the Board opened a new regulatory docket for this matter, and directed that a hearing be scheduled on the proposal. This order today schedules a hearing for April 11, 2003.

Hearing

Persons wishing to testify at the hearing shall prefile the testimony with the Board and serve the testimony on the hearing officer and all persons on the service list no later than March 21, 2003. Persons may receive a copy of the service list by contacting the hearing officer or Nancy Miller at (217) 278-3109.

The parties are directed to participate in a final pre-hearing telephone status conference on Friday, March 21, 2003 at 10:00 a.m. The petitioner shall initiate the call. At that time, the parties must be prepared to disclose witnesses for the hearing, and address any final pre-hearing issues.

IT IS SO ORDERED.



John Knittle
Hearing Officer
Illinois Pollution Control Board
1717 Philo Road, Suite 25
Urbana, Illinois 61802
(217) 278-3111

CERTIFICATION OF SERVICE

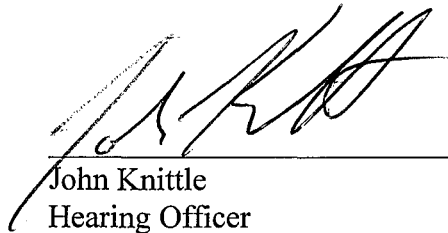
It is hereby certified that a true copy of the foregoing order was mailed, first class, to each of the following on March 3, 2003:

David M. Walter
N. LaDonna Driver
Hodge, Dwyer & Zeman
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776

Deborah J. Williams
IEPA, Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Dorothy M. Gunn
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St.,
Suite. 11-500
Chicago, Illinois 60601

Matthew R. Hortenstine
122 E. Washington
P.O. Box 668
Effingham, Illinois 62401



John Knittle
Hearing Officer
Illinois Pollution Control Board



ILLINOIS POLLUTION CONTROL BOARD

March 6, 2003

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SPRINGFIELD OFFICE

600 South Second Street
Suite 402
Springfield, IL 62704
217-524-8500
FAX 217-524-8508

The Effingham Daily News
Legal Notice Department
201 North Banker
P.O. Box 370
Effingham, Illinois 62401

Re: R03-11, Site Specific Rule for City of Effingham Treatment Plant Fluoride Discharge, 35 Ill. Adm. Code 304.233

Please publish the notice as it appears one day only no later than March 11, 2003.
Please publish legal style. Do not enlarge.

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CHICAGO OFFICE

James R. Thompson Center
100 West Randolph
Suite 11-500
Chicago, IL 60601
312-814-3620
FAX 312-814-3669
TTY 312-814-6032

Please provide detail billing costs on your payment invoice statement including the "FEIN" (Federal Employer Identification Number). Return your billing statement along with the Certification of Publication" attached to the copy of the legal notice.

Very truly yours,



Don Anthony Brown
Paralegal Assistant

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WEB SITE
www.ipcb.state.il.us

ILLINOIS POLLUTION CONTROL BOARD
NOTICE OF HEARING

Public Notice is hereby given that the Pollution Control Board will hold a public hearing on April 11, 2003 at 10:00 a.m. at the City of Effingham, 201 East Jefferson, City Hall Council Chambers, Effingham, Illinois regarding R03-11, Site Specific Rule for City of Effingham Treatment Plant Fluoride Discharge, 35 Ill. Adm. Code 304.233.

Thomas Johnson
Chairman

Certificate Of Publication

STATE OF ILLINOIS, EFFINGHAM COUNTY, SS.

March 12, 2003 Effingham, Illinois

I, Stephen R. Raymond do certify that I am the authorized agent and the publisher of the Effingham Daily News, a secular newspaper of general circulation published daily, except Sunday and legal holidays in Effingham County, City of Effingham and the State of Illinois and that I am authorized to make this certificate for the said Newspaper that the notice or advertisement of

Notice of Hearing

relating to the matter of

Illinois Pollution Control Board

A true copy of which is hereto annexed, has been printed and published in the said Effingham Daily News as follows:

the first on the 10th day of March, 2003

the second on the day of

the third on the day of

and that the said newspaper was regularly published for a period of one year prior to the date of the first publication of this notice.

I Further certify that the face of the type in which each publication of the said notice was made the same as the body type and the classified advertising in the issue of the said newspaper in which such publication was made.

I Further certify that said newspaper is a newspaper as defined in 'An Act to revise the law in relation to notices' as ammended by Act approved July 17, 1959.-Ill. Revised Statues, Chap. 100, Para. 1-10.

Effingham Daily News



as agent of the Effingham Daily News

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NOTICE OF HEARING**

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Thomas Johnson
Chairman

Legal #1078 3/10/03