

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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)

Proceedings held on July 18, 2003, at 9:55 a.m., at the
Illinois Pollution Control Board, 600 South Second
Street, Suite 402, Springfield, Illinois, before Carol
Sudman, Hearing Officer.

Reported By: Karen Bristow, CSR, RPR
CSR License No.: 084-003688

KEEFE REPORTING COMPANY
11 North 44th Street
Belleville, IL 62226
(618) 277-0190

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

APPEARANCES

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
BY: Deborah J. Williams
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
On behalf of the Illinois EPA

HODGE, DWYER & ZEMAN
BY: David M. Walter
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
On behalf of Blue Beacon
International, Inc., Truckomat
Corporation and the City of
Effingham

1 PROCEEDINGS

2 (July 18, 2003; 9:55 a.m.)

3 HEARING OFFICER SUDMAN: Good morning. My name is
4 Carol Sudman, and I'm filling in for John Knittle as
5 hearing officer today.

6 This rulemaking is entitled "In the Matter of:
7 Site Specific Rule for the City of Effingham Treatment
8 Plant Fluoride Discharge, 35 Illinois Administrative
9 Code 304.233," which is docketed as R03-11.

10 We are here today because Section 27(b) of the
11 Environmental Protection Act requires the Board to ask
12 the Department of Commerce and Economic Opportunity--
13 which I'll refer to as DCEO-- formerly the Department of
14 Commerce and Community Affairs, to conduct an economic
15 impact study-- which I'll refer to as EcIS-- on certain
16 proposed rules prior to their adoption. If DCEO chooses
17 to conduct an EcIS, it has 30 to 45 days after such
18 request to produce a study of the economic impact of the
19 proposed rules. The Board must then make the EcIS or
20 DCEO's explanation for not conducting the study
21 available to the public at least 20 days before a public
22 hearing on the economic impact of the proposed rules.

23 In accordance with Section 27(b) of the Act, the
24 Board on April 3, 2003, sent a letter to DCEO requesting

1 an economic impact study on this rulemaking. On April
2 17, 2003, DCEO responded that no study would be
3 performed.

4 The Board is holding this hearing for the public to
5 comment on DCEO's explanation for not conducting an
6 economic impact study in this rulemaking. Like other
7 board regulatory hearings, any person who testifies will
8 be sworn and subject to questioning.

9 For background information, on October 22, 2002,
10 the City of Effingham, Blue Beacon International, Inc.,
11 or BBI, and Truckomat Corporation, referred to
12 collectively as petitioners, filed a proposal for
13 rulemaking to change regulations governing fluoride
14 found in the Board's rules at 35 Illinois Administrative
15 Code 302.208(g).

16 BBI and Truckomat operate truck washes in
17 Effingham, Effingham County. The wastewater from the
18 truck washes contains fluoride from the brighteners used
19 in washing the trucks. Petitioners state that there are
20 no alternative replacements for these brighteners and
21 discontinuing their use would cause a severe negative
22 economic impact. Petitioners further state that the
23 site specific fluoride level proposed will be protective
24 of aquatic life, human health and the environment as a

1 whole.

2 The wastewater discharges into an unnamed tributary
3 of Salt Creek which flows into the Little Wabash River
4 37 miles upstream from the city of Flora. The City's
5 current daily fluoride effluent limit is 1.4 milligrams
6 per liter, the same as the 1.4 milligram per liter water
7 quality standard. The City seeks an effluent limit of
8 4.5 milligrams per liter subject to the averaging rule
9 of 35 Illinois Administrative Code 304.104.

10 On April 11, 2003, a hearing was held at the City
11 Hall Council Chambers at 201 East Jefferson in
12 Effingham, Effingham County. However, in light of
13 changes occurring at that time at DCEO, the EcIS hearing
14 was not held at that time.

15 Which brings us to today. Is there anyone who
16 would like to comment on DCEO's explanation for not
17 conducting an economic impact study on this site
18 specific rulemaking?

19 Seeing none, I will go ahead and discuss transcript
20 availability. The Board should receive the transcript
21 of today's hearing by July 30 and will post the
22 transcript onto the Board's Web site as soon as possible
23 thereafter.

24 I would like to thank everyone for participating

1 today, and this hearing is adjourned. Thank you.

2 (Hearing adjourned.)

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 STATE OF ILLINOIS)
) SS
2 COUNTY OF ST. CLAIR)

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I, KAREN BRISTOW, a Notary Public and Certified Shorthand Reporter in and for the County of St. Clair, State of Illinois, DO HEREBY CERTIFY that I was present at 600 South Second Street, Suite 402, Springfield, Illinois, on July 18, 2003, and did record the aforesaid Hearing; that same was taken down in shorthand by me and afterwards transcribed upon the typewriter, and that the above and foregoing is a true and correct transcript of said Hearing.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my Notarial Seal this 27th day of July, 2003.

Notary Public--CSR
#084-003688

