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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

vs.

PCB No. 00-171

CITY OF CHARLESTON, an Illinois

(Enforcement)

municipal corporation,

Respondent.

Proceedings held on April 17, 2001, at 10:00 a.m., at the
Mattoon City Hall, 208 North 19th Street, Second Floor Courtroom,
Mattoon, Illinois, before Hearing Officer Steven C. Langhoff.

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

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A P P E A R A N C E S

STATE OF ILLINOIS, OFFICE OF THE ATTORNEY
GENERAL

BY: Delbert D. Haschemeyer
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
On behalf of the People of the State of
Illinois.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BY: Richard Warrington
Assistant Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
On behalf of the Illinois EPA.

CITY OF CHARLESTON

BY: Brian L. Bower
City Attorney
Municipal Building
520 Jackson Avenue
Charleston, Illinois 61920
On behalf of Respondent, the City of Charleston.

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I N D E X

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E X H I B I T S

NUMBER	MARKED FOR I.D.	ENTERED
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Hearing Exhibit B	19	20

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1 P R O C E E D I N G S

2 (April 17, 2001; 10:00 a.m.)

3 HEARING OFFICER LANGHOFF: Good morning, everyone. My name
4 is Steven Langhoff. The matter before us today is PCB Number
5 00-171, People of State of Illinois, or the State, versus City of
6 Charleston or Charleston. I am the Pollution Control Board
7 Hearing Officer assigned to this matter. For the record, it is
8 Tuesday, April 17th, 2001, and we are beginning at 10:00 a.m.

9 I want to note for the record that there are members of the
10 public present. Members of the public are encouraged and allowed
11 to provide public comment if they so choose.

12 At issue in this case are allegations contained in the
13 complaint filed by the State against Charleston. The violations
14 alleged in the complaint are that Charleston caused water
15 pollution, created a water pollution hazard, discharged without a
16 permit, created offensive conditions, and caused a pH violation
17 at its water treatment plant located at 2600 McKinley Avenue,
18 Charleston, Coles County, Illinois.

19 On January 11th, 2001, the parties filed a Stipulation and
20 Proposal for Settlement accompanied by a motion requesting relief
21 from the hearing requirement of Section 31(c)(1) of the
22 Environmental Protection Act, or the Act. Pursuant to Section
23 31(c)(2) of the Act the Board caused publication of the required
24 newspaper notice of the Stipulation and Proposal for Settlement

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1 and request for relief from the hearing requirement. This notice
2 appeared in the Times Courier on January 15th of 2001. In the
3 Stipulation and Proposal for Settlement Charleston agreed to pay
4 a \$25,000.00 penalty.

5 On January 31st of 2001 Lorelei Sims filed a request that a
6 hearing be held in this matter. If a person timely files a
7 demand for hearing, Section 31(a)(2) of the Act provides that the
8 Board shall deny the request for relief from hearing and hold a
9 hearing in accordance with provisions of Section 31(c)(1) of the
10 Act. The Board has found that Lorelei Sims timely and properly
11 filed a request for hearing within the statutory 21 day notice
12 period and has directed me to conduct this hearing.

13 I want to take a brief moment to let you know what is going
14 to happen today and after the proceeding today. You should know
15 that it is the Pollution Control Board, and not me, that will
16 make the final decision in this case. My job as a Hearing
17 Officer requires that I conduct the hearing in a neutral and
18 orderly manner so that we have a clear record of the proceedings
19 here today.

20 During the course of this hearing it is acceptable to
21 address me either as Mr. Hearing Officer or as Mr. Langhoff. It
22 is also my responsibility to assess the credibility of any
23 witnesses giving testimony today, and I will do so on the record
24 at the conclusion of the proceedings.

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1 Before beginning, I would like to caution everyone that a
2 Board hearing is much the same as being in court. Everyone
3 should act appropriately with the proper decorum and with due
4 respect for all sides. When speaking, please speak slowly and
5 clearly so that the court reporter can accurately make a
6 transcript of this hearing.

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

14 At this time I would like to ask whether there are any
15 members of the public present who wish to give statements today?
16 Please raise your hand if you do. Okay. Thank you. For the
17 record, it appears that there are at least three persons.

18 Again, I will ask for any comments from members of the
19 public at the end of the proceedings. First the proposed
20 Stipulation and Proposal for Settlement must be entered into and
21 presented for the record.

22 This hearing was noticed pursuant to the Act and the
23 Board's Rules, and will be conducted pursuant to Sections 101.600

24 through 101.632 of the Board's rules.

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1 At this time I will ask the parties to make their
2 appearances on the record, beginning with the State. For the
3 State?

4 MR. HASCHEMEYER: Delbert Haschemeyer, Assistant Attorney
5 General, representing the People of the State of Illinois.

6 HEARING OFFICER LANGHOFF: Thank you, Mr. Haschemeyer. For
7 Charleston?

8 MR. BOWER: Brian L. Bower, City Attorney for the City of
9 Charleston, Illinois.

10 Along with me is Bill Riebe, our City Manager, and Dean
11 Barber, the Director of Public Works.

12 MR. HASCHEMEYER: Mr. Hearing Officer, I should probably
13 also note that Richard Warrington, an attorney with the Illinois
14 EPA, is also present.

15 HEARING OFFICER LANGHOFF: All right. Thank you. Do we
16 have any preliminary matters that need to be discussed on the
17 record?

18 MR. HASCHEMEYER: Yes, Mr. Hearing Officer. Procedurally,
19 if I may inquire, did I understand you to indicate that the
20 Stipulation and Proposal for Settlement needed to be introduced
21 as an exhibit for the record?

22 HEARING OFFICER LANGHOFF: Yes.

23 MR. HASCHEMEYER: Okay. Thank you.

24 HEARING OFFICER LANGHOFF: I have one here. That will be

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1 fine.

2 MR. HASCHEMEYER: Okay.

3 HEARING OFFICER LANGHOFF: Would the parties like to give a
4 brief opening statement on behalf of their clients? Mr.
5 Haschemeyer?

6 MR. HASCHEMEYER: Yes. Mr. Hearing Officer, as you are
7 aware, the parties have stipulated to a Stipulation and Proposal
8 for Settlement in this matter. I might comment that as a matter
9 of practice our office and also in conjunction with the Agency --
10 and when I say Agency I am referring to the Illinois
11 Environmental Protection Agency -- generally try to explore the
12 possibility of resolving the matter by settlement if that is
13 possible once a matter is determined that it is going to be filed
14 either before the Board or before the Courts.

15 That is the course of action we pursued in this particular
16 case, and the City of Charleston was interested in pursuing or
17 exploring the possibility of settling this case. As a result of
18 that, we were able to negotiate a Stipulation and Proposal for
19 Settlement. And if I may, I would like at this point in time to
20 offer that Stipulation and Proposal for Settlement as part of the
21 record in this matter.

22 HEARING OFFICER LANGHOFF: Thank you. Any objection?

23 MR. BOWER: No objection.

24 HEARING OFFICER LANGHOFF: It is admitted.

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1 (Whereupon said document was duly marked for purposes of
2 identification as Hearing Exhibit A and admitted into
3 evidence as of this date.)

4 MR. HASCHEMEYER: As a practical matter, when the State
5 approaches negotiations and determines resolving an environmental
6 case there are always two issues that have to be addressed. The
7 first issue and the most important is addressing the issue of
8 compliance, that is, bringing the respondent or defendant in
9 compliance with the rules and regulations if that has not already
10 occurred.

11 In this particular situation, the allegations, as the
12 Hearing Officer noted, revolved around a discharge from the
13 defendant's water treatment plant and a discharge, in particular,
14 that was contaminated by lime sludge. That discharge ultimately
15 had made its way to Lake Charleston via a particular ravine and
16 some lime sludge was deposited in the lake.

17 So the compliance question or the issue that had to be
18 addressed was what to do, number one, with the discharge, which
19 had to be stopped, which was a simple answer. And then, two,
20 what to do about the affects of the sludge in Lake Charleston, in
21 particular, the cove of Lake Charleston. It was negotiated and
22 agreed to by the parties that what needed to be done was to have

23 the sludge removed from the lake, from the cove, and then have
24 that cove riffraffed. Consequently, a program was developed by

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1 the City to do that, and my understanding is that has been
2 accomplished and was accomplished last summer.

3 The second part of any negotiation is a monetary penalty.
4 We negotiated with the City, and the City has agreed to pay a
5 monetary penalty of \$25,000.00, which the State believes to be a
6 prudent and an appropriate penalty for the circumstances of this
7 case. The penalty is, in general, higher than we might see in
8 cases involving a municipality. However, the violation in this
9 particular case was one of long-term standing and there was some
10 environmental damage and, consequently, as a result of all of
11 that the parties have agreed that the amount of \$25,000.00 is
12 appropriate, and we would recommend that the Board accept that.

13 It would be our request, Mr. Hearing Officer, that the
14 Pollution Control Board accept the Stipulation and Proposal for
15 Settlement as presented and enter an order implementing the same.
16 Thank you.

17 HEARING OFFICER LANGHOFF: Thank you, Mr. Haschemeyer. Mr.
18 Bower?

19 MR. BOWER: Thank you. Mr. Hearing Officer, may it please
20 the Board and Counsel, members of the public, I would join with
21 regards to the submission of the stipulation that has been

22 presented. I would also join in the request that the stipulation
23 be approved by the Board.

24 With regards to the City of Charleston's involvement, upon

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1 notification of the problem the City of Charleston actively
2 participated with the EPA with regards to the reparations and
3 remedy of the situation and, in fact, the reparations were made
4 prior to the completion of the stipulation even being signed by
5 the EPA.

6 We would suggest that the monetary fine is ready -- we are
7 ready, willing, and able to pay that fine upon the approval by
8 this Board and we suggest that it is an appropriate stipulation.
9 We are here to answer questions if any exist. Thank you.

10 HEARING OFFICER LANGHOFF: Thank you, Mr. Bower. Yes, Mr.
11 Haschemeyer?

12 MR. HASCHEMEYER: If I may, I have with me extra copies of
13 the Stipulation and Proposal for Settlement in case any members
14 of the public would like a copy. To the extent that I can, I
15 will answer any questions.

16 HEARING OFFICER LANGHOFF: Thank you, Mr. Haschemeyer. Is
17 there anything further?

18 MR. HASCHEMEYER: I have nothing further.

19 HEARING OFFICER LANGHOFF: Anything further, Mr. Bower?

20 MR. BOWER: Nothing further.

21 HEARING OFFICER LANGHOFF: I will open it up to any

22 questions from members of the public. I think I will allow
23 statements under oath at a later time if anyone wishes to give
24 any.

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1 Are there any questions from any members of the public?
2 Yes. Please stand up and state your name and then state your
3 question and who it is to, please.

4 MS. SIMS: My name is Lorelei Sims. I am a resident of
5 Charleston, Illinois, and I have nine questions.

6 HEARING OFFICER LANGHOFF: Okay. Ms. Sims, is it possible
7 to ask them one at a time and then --

8 MS. SIMS: Absolutely, absolutely.

9 HEARING OFFICER LANGHOFF: Okay. Thank you.

10 MS. SIMS: I am just letting you know that there was a few.

11 HEARING OFFICER LANGHOFF: Okay. Thank you.

12 MS. SIMS: Okay. Why would the water treatment facility
13 dump lime sludge knowing that it is, A, illegal and, B,
14 eventually leak into the only potable water source for the City?

15 MR. BOWER: I would direct that response to the City
16 Manager.

17 HEARING OFFICER LANGHOFF: Okay. Would you spell your name
18 for the record, please.

19 MR. RIEBE: Yes. It is Bill Riebe, R-I-E-B-E.

20 HEARING OFFICER LANGHOFF: Thank you. Mr. Riebe, can you

21 answer the question?

22 MR. RIEBE: Well, we did -- I mean, the City of Charleston
23 fully recognizes what we did was wrong. We take full
24 responsibility for those actions of our employees that committed

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1 wrongful acts. We have corrected those problems from an
2 infrastructure standpoint and also from a policy and procedures
3 standpoint. So those items have been corrected. We do not make
4 it a practice, nor will we ever make it a practice in the future,
5 not to comply with any of the EPA's laws or rules and
6 regulations. We understand what those rules and regulations are.
7 We fully -- we will fully comply with those in the future. What
8 we did was -- we made a mistake.

9 HEARING OFFICER LANGHOFF: Thank you, Mr. Riebe. Ms. Sims?

10 MS. SIMS: Okay. My next question has a statement prior.
11 The location of the holding pond in question is at the main
12 entrance to the water treatment plant. The holding ponds for the
13 water treatment plant are on the west side of the facility. The
14 one that is at the entrance was the one that was draining down
15 into Cox Cove. Its drainage was not drainage, but it was
16 actually dumping. There is an 18-inch culvert pipe, and it was
17 almost at full capacity dumping. This is not leakage. This is
18 not accidental spillage. And also I have been there many, many
19 years and --

20 HEARING OFFICER LANGHOFF: I am sorry. Ms. Sims, do you

21 have a question?

22 MS. SIMS: Yes. I have been there many years, and I have
23 never seen the front pond full. I have seen the back three full,
24 but never the front one. So my question is, was the lime sludge

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1 actually a by-product of the water treatment facility or was it
2 brought in to be processed?

3 MR. RIEBE: No, it is a by-product of the treatment
4 process. I do not -- I don't know why it was so full at the
5 time. I mean, the lime pit, the way that thing is used is that
6 when we -- we have up flow contact units, treatment units, and
7 those have to be blown down. We call it blown down. We have to
8 remove some of the lime sludge from those units as part of the
9 treatment process. It could have been right after we blew down
10 one of our units and it may have been full at that time. I know
11 that they were in there working on some pumps. Why they
12 discharged that into the environment, as certified operators in
13 the State of Illinois, is absolutely beyond me.

14 HEARING OFFICER LANGHOFF: Thank you, Mr. Riebe. Ms. Sims?

15 MS. SIMS: The next question refers to the letter dated in
16 March from the City of Charleston. The dumping that I witnessed
17 and photographed occurred in February and early March, not in
18 January, as the City has claimed. The City has said from the
19 very beginning that this is remnants of the water treatment

20 facility prior to the IEPA ban in the 1970s.

21 My question is will the City acknowledge that the dumping
22 happened when I took the photographs and when I contacted the
23 IEPA? Because that is when the dumping happened.

24 MR. RIEBE: The only thing -- I am unaware of any incident

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1 that occurred in February and March. The only --

2 MS. SIMS: That's -- I am sorry.

3 MR. RIEBE: The only incident I am aware of is the one that
4 occurred in January of 1999, the one that is -- that is actually
5 in the documents. We do recognize and we did recognize the fact
6 that we had this 18-inch culvert pipe in this lagoon that was not
7 plugged, as it should have been in 1978. That has been
8 subsequently plugged with concrete, never to release anything
9 into the environment again.

10 Prior to 1978, there was a significant amount of lime
11 sludge that went down into the ravine, and I am sure there was
12 probably a significant amount that went down after that. But I
13 can't tell you one way or another other than the fact that I know
14 that -- you know, that I know that we discharged in January.

15 HEARING OFFICER LANGHOFF: Okay. Thank you, Mr. Riebe.
16 Mr. Bower, anything else?

17 MR. BOWER: Nothing.

18 HEARING OFFICER LANGHOFF: Okay. Ms. Sims?

19 MS. SIMS: I would like to state right now that the rest of

20 my questions probably should go under the byline of statements.

21 Is that all right?

22 HEARING OFFICER LANGHOFF: Fine. We will give you a chance
23 as soon as -- we will see if anyone else wants to ask any
24 questions and then we will give you a chance to testify.

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1 MS. SIMS: Thank you.

2 HEARING OFFICER LANGHOFF: Thank you. Is there anyone else
3 that wishes to ask any questions this morning?

4 All right. Then seeing none, I will now call Ms. Sims up
5 here.

6 Would you swear the witness, please.

7 (Whereupon the witness was sworn by the Notary Public.)

8 HEARING OFFICER LANGHOFF: Thank you. Ms. Sims, you have
9 some statements that you would like to enter into the record?

10 MS. SIMS: Yes, please. On February 26th of 1999 I had
11 done what I have always done, and that is take my dogs to
12 Lakeview Park. From the 26th until March 5th of 1999 I witnessed
13 the active dumping of lime sludge from the water treatment
14 facility's east pond into Cox Cove. I was so upset by this, and
15 the photographs will show you what I saw in sequential order,
16 that from the holding pond all the way down to Lake Charleston
17 the ravine had been turned into a chalky, white, up to eight
18 inches thick substance.

19 When I went into the water treatment plant to ask them, A,
20 what it was and, B, if it was harmful for my dogs, I was
21 approached and responded with it is not toxic, but it is caustic,
22 and you should rinse your dogs paws. The next person I spoke to
23 said, and this is a quote, it should not be there. But the
24 indication was that their job was somehow at risk. They didn't

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1 say this. This was the implication I got. They did not want to
2 talk about it. They just said it is not supposed to be there.
3 That was the two contacts I had at the water treatment plant.

4 I elected at that point to go to the IEPA directly with
5 photographs. On March 8th of 1999 I was able to get in with
6 Eliana Brown -- on March 5th with Eliana Brown in Champaign. On
7 March 8th she contacted Mark Donnelly and we started proceedings.
8 She came down to do her report and investigation.

9 I have a copy of all of the newspaper articles that have
10 come out since that time, and there are indications here that are
11 not correct with what I saw. Remnants of the filter water and
12 the backwash water discharge before the ban on the practice in
13 the mid 1970s, things that indicate that what was happening was
14 just a by-product or something from the past, not that was
15 currently happening. Also, there was a thing -- there was a
16 charge of \$250,000.00 worth of fines, and now we have \$25,000.00.
17 I am very happy that the fines got reduced. Now that I am on
18 city council I have a better knowledge of these things.

19 HEARING OFFICER LANGHOFF: Was it your intention to enter
20 into evidence all of these newspaper articles, Ms. Sims? Which
21 is fine if you want to. I just would like to know.

22 MS. SIMS: I can. It was not my intention.

23 HEARING OFFICER LANGHOFF: Okay. That's fine.

24 MS. SIMS: Okay. These newspaper articles are just to back

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1 up my position that the City has not clearly defined what has
2 happened and who is responsible and how this thing could have
3 occurred. I know that mistakes happen. I know that people have
4 bad judgment. But when something as obvious as active dumping
5 occurs, they should be -- it should be addressed honestly and
6 openly.

7 HEARING OFFICER LANGHOFF: Thank you, Ms. Sims. Anything
8 else?

9 MS. SIMS: That is my involvement, the contact of Eliana
10 Brown and the Freedom of Information Act was my last direct
11 involvement with this lime sludge dumping.

12 HEARING OFFICER LANGHOFF: Okay. Thank you. Did you want
13 the Board to take this -- to take these photographs into
14 evidence?

15 MS. SIMS: I know that the IEPA has the original
16 photographs. All I have are these copies.

17 HEARING OFFICER LANGHOFF: Did you want the Board to take

18 these into evidence? We don't -- the Board does not have any
19 copies of these photographs.

20 MS. SIMS: Oh. All right. Then I guess you should.

21 HEARING OFFICER LANGHOFF: Did you take these photographs,
22 Ms. Sims?

23 MS. SIMS: Yes, I did.

24 HEARING OFFICER LANGHOFF: Are they an accurate

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1 representation of all of the scenes that you saw?

2 MS. SIMS: Yes, they are and they are in order.

3 HEARING OFFICER LANGHOFF: Would it be helpful to the Board
4 in deciding this case to have a look at these photographs?

5 MS. SIMS: I can't answer that one.

6 HEARING OFFICER LANGHOFF: Okay. I would imagine it would.

7 Mr. Haschemeyer, I am -- for the record, I am handing Mr.

8 Haschemeyer the computer color printouts of the photographs.

9 I am going to mark those -- all of the photographs as
10 Exhibit B.

11 (Whereupon said documents were duly marked for purposes of
12 identification as Hearing Exhibit B as of this date.)

13 MR. HASCHEMEYER: I have no objections.

14 HEARING OFFICER LANGHOFF: Okay. I am handing them to Mr.
15 Bower.

16 MS. SIMS: Oh, your photographs are much better.

17 HEARING OFFICER LANGHOFF: Mr. Warrington, are those the

18 same photographs?

19 MR. WARRINGTON: Yes. We did bring the originals that were
20 loaned to the Agency by Ms. Sims. We have made, I believe, two
21 sets of color copies of each.

22 HEARING OFFICER LANGHOFF: Okay. Thank you.

23 MR. WARRINGTON: Which if Counsel or the Board would
24 prefer --

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1 HEARING OFFICER LANGHOFF: Any objections, Mr. Bower?

2 MR. BOWER: We have no objections.

3 HEARING OFFICER LANGHOFF: Okay. Thank you. We will go
4 ahead and take those, Mr. Warrington. Those have been marked and
5 offered as Exhibit B and are admitted.

6 (Whereupon said documents were duly admitted into evidence
7 as Hearing Exhibit B as of this date.)

8 HEARING OFFICER LANGHOFF: Thank you, Ms. Sims. Any
9 questions for Ms. Sims, Mr. Haschemeyer?

10 MR. HASCHEMEYER: No. Just as a matter of cleaning up the
11 record, to get these photos organized here.

12 Ms. Sims, maybe you can help us out here, I think, real
13 quick. Could you tell us how many photographs there are and how
14 many pieces of paper?

15 MS. SIMS: No. I can count them for you right here.

16 MR. HASCHEMEYER: Would you, please?

17 MS. SIMS: Okay. There are 17 images.
18 HEARING OFFICER LANGHOFF: On nine sheets of paper, for the
19 record.
20 MS. SIMS: Thank you. Nine sheets of paper.
21 MR. HASCHEMEYER: That is Group Exhibit B?
22 HEARING OFFICER LANGHOFF: That is Exhibit B.
23 MR. HASCHEMEYER: Okay.
24 HEARING OFFICER LANGHOFF: Anything further, Mr.

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1 Haschemeyer?
2 MR. HASCHEMEYER: Nothing further.
3 HEARING OFFICER LANGHOFF: Any questions, Mr. Bower?
4 MR. BOWER: Very brief, if I could.
5 EXAMINATION
6 BY MR. BOWER:
7 Q. Ms. Sims, you are not objecting to the amount of the
8 fine; is that correct?
9 A. Oh, no.
10 Q. You are not specifically objecting to any of the quality
11 of the reparations that the City of Charleston has made to remedy
12 the problem?
13 A. The quality of the what?
14 Q. The repair work or the --
15 A. I am unaware of repair work that has been done. I know
16 the park was closed. But I don't know of the repair work.

17 Q. Your concerns on this primarily go towards the
18 publication or the dissemination of information?

19 A. Acknowledgment, disclosure.

20 MR. BOWER: Okay. Thank you. I have nothing further.

21 HEARING OFFICER LANGHOFF: Thank you, Mr. Bower. Thank
22 you, Ms. Sims.

23 (The witness left the stand.)

24 HEARING OFFICER LANGHOFF: Are there any other members of

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1 the public that wish to testify today? Okay. I see none. Thank
2 you.

3 At this time I would like to go off the record for a brief
4 amount of time to discuss the availability of the record and the
5 possibility of any briefs. Thank you.

6 (Discussion off the record.)

7 HEARING OFFICER LANGHOFF: Okay. Back on the record. The
8 transcript of these proceedings will be available from the court
9 reporter by April 27th of 2001. I will establish a public
10 comment period of 14 days. Statements are allowed pursuant to
11 section 101.628 of the Board's rules. The transcript will be
12 available, as we have been told, on April 27th. It is usually
13 put on the Board's web site within a few days of availability. I
14 would just like to note that our web site address is
15 www.ipcb.state.il.us.

16 The mailbox rule set forth at Section 101.300 of the
17 Board's procedural rules will apply to any post hearing filings.
18 All post hearing comments must be filed in accordance with
19 Section 101.301 of the Board's Procedural Rules.

20 Anything further from the parties before we conclude?

21 MR. HASCHEMEYER: Nothing further on behalf of the State.

22 HEARING OFFICER LANGHOFF: Thank you, Mr. Haschemeyer. Mr.
23 Bower?

24 MR. BOWER: Nothing, sir.

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1 HEARING OFFICER LANGHOFF: Thank you. I am required to
2 make a statement as to the credibility of witnesses testifying
3 during this hearing. This statement is to be based on my legal
4 judgment and experience and accordingly I state that I found the
5 witness, Ms. Lorelei Sims, testimony to be credible. Credibility
6 should not be an issue for the Board to consider in rendering a
7 decision in this case.

8 At this time I will conclude the proceedings. It is
9 Tuesday, April 17th of 2001, at approximately 10:30 a.m. We
10 stand adjourned. Thank you all for your participation and I wish
11 everyone to have a good day.

12 MR. HASCHEMEYER: Thank you.

13 MR. BOWER: Thank you.

14 (Hearing exhibits were retained by
15 Hearing Officer Steven C. Langhoff.)

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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF MONTGOMERY)

3 C E R T I F I C A T E
4

5 I, DARLENE M. NIEMEYER, a Notary Public in and for the
6 County of Montgomery, State of Illinois, DO HEREBY CERTIFY that
7 the foregoing 23 pages comprise a true, complete and correct
8 transcript of the proceedings held on the 17th of April A.D.,
9 2001, at Mattoon City Hall, Mattoon, Illinois, in the case of
10 People of the State of Illinois v. City of Charleston, in
11 proceedings held before Hearing Officer Steven C. Langhoff, and
12 recorded in machine shorthand by me.

13 IN WITNESS WHEREOF I have hereunto set my hand and affixed
14 my Notarial Seal this 19th day of April A.D., 2001.

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Notary Public and
Certified Shorthand Reporter and
Registered Professional Reporter

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

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