1	BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
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3	ORIGINAL
4	ILLINOIS AYERS OIL COMPANY,
5	Petitioner, REGEIVED
6	vs. No. PCB 03-214 CLERK'S OFFICE
7	ILLINOIS ENVIRONMENTAL (UST Appeal)
8	PROTECTION AGENCY, STATE OF ILLINOIS Pollution Control Board
9	Respondent.
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12	
13	Proceedings held on December 3, 2003 at 9:00 a.m., at the
14	Illinois Pollution Control Board Hearing Room, 1021 North Grand
15	Avenue East, Springfield, Illinois, before Hearing Officer Carol
16	Sudman.
17	
18	
19	
20	Reported by: Darlene M. Niemeyer, CSR, RPR, CCR Illinois CSR License No.: 084-003677
21	Missouri CCR License No.: 866
22	JO ELAINE FOSTER & ASSOCIATES, P.C.
23	P.O. Box 138 Glen Carbon, Illinois 62034-0138
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## JO ELAINE FOSTER & ASSOCIATES, P.C. 618-877-7016

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Ŧ	APPEARANCES
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3	ILLINOIS ENVIRONMENTAL PROTECTION AGENCY BY: John J. Kim
4	Assistant Counsel Division of Legal Counsel
5	1021 North Grand Avenue East Springfield, Illinois 62794-9276
6	On behalf of the Illinois EPA.
7	MOHAN, ALEWELT, PRILLAMAN & ADAMI BY: Fred C. Prillaman
8	Attorney at Law 1 North Old Capitol Plaza, Suite 325
9	Springfield, Illinois 62701-1323 On behalf of Respondent.
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1	PROCEEDINGS
2	(December 3, 2003; 9:00 a.m.)
3	HEARING OFFICER SUDMAN: Good morning. My name is Carol
4	Sudman. I am a Hearing Officer with the Pollution Control Board.
5	This is the hearing for PCB 03-214, Illinois Ayers Oil Company
6	versus IEPA. It is December 3rd, 2003, and we are beginning at
7	9:00 a.m.
8	I will note for the record that there are no members of the
9	public present.
10	At issue in this case is the Agency's modification of the
11	high priority corrective action plan regarding Petitioner's
12	underground storage tank located at 310 State Street, in
13	Beardstown, Cass County. This hearing was noticed pursuant to
14	the Act and the Board's rules and will be conducted pursuant to
15	Sections 101.600 through 101.632 of the Board's procedural rules.
16	At this time I would like to ask the parties to please make
17	their appearances on the record.
18	MR. PRILLAMAN: Fred Prillaman, representing the
19	Petitioner, Illinois Ayers Oil Company.
20	MR. KIM: John Kim for the Respondent, Illinois
31	Environmental Protection Agency.
22	HEARING OFFICER SUDMAN: Thank you. Are there any
23	preliminary matters to discuss?
24	MR. PRILLAMAN: Yes, Madam Hearing Officer. On behalf of
	<b>JO ELAINE FOSTER &amp; ASSOCIATES, P.C.</b>

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the Petitioner, we would ask that the matter be continued until the 7th of January, 2004, at 8:30 a.m., and we are today filing our waiver of deadline for decision so that the Board's decision will not be due in this case until May the 5th of 2004 or earlier.

6 HEARING OFFICER SUDMAN: Thank you. Does the Respondent 7 have any objection?

8 MR. KIM: No objection.

9 HEARING OFFICER SUDMAN: Okay. Well, the motion is 10 granted, and we will continue this hearing on January the 7th at 11 8:30 a.m. Are there any further matters before we go off the 12 record?

13 MR. KIM: No.

14 MR. PRILLAMAN: No.

15 HEARING OFFICER SUDMAN: Okay. At this time I will recess 16 this proceeding. Thank you.

17 MR. KIM: Thank you.

18 MR. PRILLAMAN: Thank you.

19 (The proceedings concluded at 9:07 a.m.)

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## JO ELAINE FOSTER & ASSOCIATES, P.C. 618-877-7016

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1 STATE OF ILLINOIS ) SS ) 2 COUNTY OF MONTGOMERY) 3 CERTIFICATE 4 5 I, DARLENE M. NIEMEYER, a Notary Public in and for the County of Montgomery, State of Illinois, DO HEREBY CERTIFY that 6 7 the foregoing 4 pages comprise a true, complete and correct transcript of the proceedings held on the 3rd of December A.D., 8 9 2003, at The Illinois Pollution Control Board Hearing Room, 1021 10 North Grand Avenue East, Springfield, Illinois, in the case of 11 Illinois Ayers Oil Company v. Illinois Environmental Protection 12 Agency, in proceedings held before Hearing Officer Carol Sudman, 13 and recorded in machine shorthand by me. 14 IN WITNESS WHEREOF I have hereunto set my hand and affixed 15 my Notarial Seal this 5th day of December A.D., 2003. 16 DARLENE M. N NOTARY PUBLIC, ST/ 17 MY COMMISSION EXPIRES 3-3-2007 18 Minneyer 19 Notary Public and 20 Certified Shorthand Reporter and Registered Professional Reporter 21 CSR License No. 084-003677 My Commission Expires: 03-03-2007 22 23 24

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185 Unique Words

FOSTER & ASSOCIATES, P.C.

From State to WITNESS