

ILLINOIS POLLUTION CONTROL BOARD
October 11, 2005

MIDWEST PETROLEUM COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 06-28
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

HEARING REPORT

On October 7, 2005, a hearing in this matter was held at City Hall in Belleville, St. Clair County. Attorney Curtis Martin appeared on behalf of the petitioner. Attorney John Kim appeared on behalf of the respondent.

Witness Credibility

Four witnesses testified during the hearing:

Mr. Harry Chappel
Mr. Jeff Schwartz
Mr. Robert Pulfrey
Mr. Barry Sink

Based upon my legal judgment, experience, and observations at hearing, I find that the credibility of witness is not an issue in this matter.

Exhibits

The petitioner offered two exhibits as evidence at hearing. The first exhibit offered was the Board's first notice opinion and order for R04-22 and R04-23. The exhibit was not admitted as evidence. Petitioner's Exhibit 2, an enlarged version of a map found in the administrative record, was admitted as evidence. Respondent did not offer any exhibits at hearing.

Briefing Schedule

The expedited transcript is due October 13, 2005. Petitioner's brief is due October 28, 2005, and respondent's brief is due November 14, 2005. The mailbox rule will not apply, although the parties may file briefs electronically.

IT IS SO ORDERED.

Carol Webb

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Hearing Officer
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