

ILLINOIS POLLUTION CONTROL BOARD
November 22, 2006

AMERICAN BOTTOMS CONSERVANCY,)	
)	
Petitioner,)	
)	
v.)	PCB 06-171
)	(Third-Party NPDES Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY and UNITED)	
STATES STEEL CORPORATION -)	
GRANITE CITY WORKS,)	
)	
Respondents.)	

HEARING REPORT

On November 20, 2006, a hearing in this matter was held at the Madison County Administration Building in Edwardsville, Illinois. Attorney Ted Heisel and 711 licensee Elizabeth Mushill appeared on behalf of the petitioner. Attorney Sanjay Sofat appeared on behalf of the Illinois Environmental Protection Agency. Attorneys Carolyn Hesse, David Ballard, and C. Daniel Baker appeared on behalf of United States Steel Corporation-Granite City Works.

Witness Credibility

Four witnesses testified during the hearing:

- Ms. Kathy Andria
- Ms. Christine Fabilla
- Ms. Yvonne Homeyer
- Ms. Kathleen Logan Smith

One member of the public offered sworn testimony:

- Mr. Robert Johnson

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

The following people gave public comment:

- Ms. Cathy Copley
- Mr. Jason Warner

Exhibits

Petitioner offered as exhibits three sets of discovery responses: IEPA's response to petitioner's request for admissions, production of documents, and interrogatories; and two different documents entitled IEPA's amended response to petitioner's request for admissions and interrogatories. Respondents objected on the grounds that these documents were not part of the administrative record. The documents were not admitted into evidence, but were filed with the Clerk as an offer of proof.

Briefing Schedule

Petitioner's brief is due by December 8, 2006. Respondents' briefs and any public comments are due by December 18, 2006. The mailbox rule will not apply.

IT IS SO ORDERED.



Carol Webb
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on November 22, 2006, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on November 22, 2006:

Dorothy M. Gunn
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