

ILLINOIS POLLUTION CONTROL BOARD
December 14, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 96-98
)	(Enforcement - Water)
SKOKIE VALLEY ASPHALT CO., INC.,)	
EDWIN L. FREDERICK, JR., individually and)	
as owner and president of SKOKIE VALLEY)	
ASPHALT, CO., INC., and RICHARD J.)	
FREDERICK, individually and as owner and)	
vice president of SKOKIE VALLEY)	
ASPHALT, CO., INC.,)	
)	
Respondents.)	

HEARING REPORT

On December 12, 2006, a hearing in this matter was held at the James R. Thompson Center in Chicago, Illinois. Attorney Michael Partee appeared on behalf of the complainant. Attorneys Michael Jawgiel and David O’Neill appeared on behalf of respondents.

Witness Credibility

Three witnesses testified during the hearing:

- Mr. Mitchell Cohen
- Mr. Bernard Murphy
- Ms. Deborah Stonich

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 complainant and respondent offered exhibits as evidence at hearing. An exhibit list itemizing the offered exhibits and summarizing their status is attached to this order. The exhibit numbers start at 100 to avoid confusion with the exhibits presented at the hearing held in 2003.

Briefing Schedule

The complete transcript is due December 22, 2006. The public comment deadline is January 5, 2007. Concurrent briefs are due by January 19, 2007. The mailbox rule will apply. No response or reply briefs are allowed.

IT IS SO ORDERED.



Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/524-8509
webbc@ipcb.state.il.us

PCB 96-98
December 12, 2006 Hearing

Exhibit List

Exhibit	Description	Status
Complainant's Exhibit #100	People's Attorney Fees and Costs Petition	Admitted
Complainant's Exhibit #101	Information on Mitchell Cohen's Hours	Admitted
Complainant's Exhibit #102	People's Receipts	Admitted
Complainant's Exhibit #103	Resume of Mitchell Cohen	Admitted
Complainant's Exhibit #104	Resume of Bernard Murphy	Admitted
Complainant's Exhibit #105	Respondent's Responses to Complainant's Interrogatories (filed with the Board on 12/05/05)	Admitted
Respondent's Exhibit #100	Affidavit of Mitchell Cohen dated 4/13/04	Admitted
Respondent's Exhibit #101	Affidavit of Mitchell Cohen dated 9/16/04	Admitted
Respondent's Exhibit #102	Report by Deborah Stonich	Admitted

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on December 14, 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 December 14, 2006:

Dorothy M. Gunn
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601



Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/524-8509
webbc@ipcb.state.il.us

PCB 1996-098
David S. O'Neill, Esq.
5487 North Milwaukee Avenue
Chicago, IL 60630-1249

PCB 1996-098
Bernard J. Murphy
Office of the Attorney General
Environmental Bureau
188 West Randolph, 20th Floor
Chicago, IL 60601

PCB 1996-098
Michael C. Partee
Office of the Attorney General
Environmental Bureau
188 West Randolph, 20th Floor
Chicago, IL 60601

PCB 1996-098
Mitchell L. Cohen
Office of the Attorney General
Environmental Bureau
188 West Randolph, 20th Floor
Chicago, IL 60601

PCB 1996-098
Michael B. Jawgiel, PC
5487 N. Milwaukee Avenue
Chicago, IL 60630-1249