

ILLINOIS POLLUTION CONTROL BOARD

February 5, 2009

CITY OF JOLIET,)
)
 Petitioner,)
)
 v.) PCB 09-25
) (Permit Appeal-Water)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.))

HEARING REPORT

On January 13, 2009, a hearing in this matter was held at 9:00 a.m. in the Board Room of the Village of Bolingbrook, at 375 W. Briarcliff Road, Village of Bolingbrook, Illinois. Hearing Officer Brad Halloran was unable to be present due to a death in the family, so the hearing was conducted by the Board's Senior Attorney, Kathleen M. Crowley.

Attorney Roy Harsch, of Drinker Biddle and Reath, LLP, appeared and participated on behalf of the petitioner, City of Joliet. Senior Assistant Attorney General Gerald T. Karr appeared and participated on behalf of respondent Illinois Environmental Protection Agency.

Witness Credibility

Four witnesses testified at the hearing on behalf of the petitioner, City of Joliet. No witness testified on behalf of respondent.

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

Exhibits

An exhibit list itemizing the 10 exhibits offered by the City of Joliet (3-hole punched and filed in a single black binder) and summarizing their status is attached to this order. In Exhibit 10 handwritten corrections initialed by Ms. Crowley appear at pp. 2-3, memorializing corrections made in testimony at hearing by witness Dr. Richard E. Toohey.

Briefing Schedule

A briefing schedule was discussed and agreed to at the hearing. The parties' simultaneous opening post-hearing briefs must be served and received by the Board on or before February 20, 2009. The parties' simultaneous replies, if any, must be served and filed on or

before February 27, 2009. Any requests for extension of this schedule must be accompanied by an appropriate waiver of the decision deadline, and addressed to Hearing Officer Halloran.

IT IS SO ORDERED.

Kathleen M. Crowley
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PCB 09-25
January 13, 2009 Hearing

Exhibit List

Exhibit	Description	Status
Petitioner's Exhibit 1	Narrative Testimony of Harold Harty	Admitted
Petitioner's Exhibit 2	Letter to Roy M. Harsch from Dennis Fiedler, of Land Treatment Alternatives, dated January 7, 2009	Admitted
Petitioner's Exhibit 3	Joliet's Petition for Review (PCB 09-25: Permit Appeal) dated October 17, 2008	Admitted
Petitioner's Exhibit 4	IEPA's Request for Ninety Day Extension of Appeal Period dated November 14, 2006 (PCB 07-38)	Admitted
Petitioner's Exhibit 5	Joliet's Petition for Review (PCB 07-9	Admitted
Petitioner's Exhibit 6	Joliet's Petition for Review (PCB 07-94: Permit Appeal) dated March 21, 2007	Admitted
Petitioner's Exhibit 7	Joliet's Motion to Withdraw Permit Appeal (PCB 07-94) dated June 6, 2008	Admitted
Petitioner's Exhibit 8	Narrative Testimony of Eli Port of RSSI	Admitted
Petitioner's Exhibit 9	The Health Physics Society's Position Statement, Radiation Risk in Perspective, Adopted January 1996, Reaffirmed March 2001, Revised August 2004	Admitted
Petitioner's Exhibit 10	Narrative Testimony of Richard E. Toohey of Oak Ridge Associated Universities	Admitted

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on February 5, 2009, 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 February 5, 2009:

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