

ILLINOIS POLLUTION CONTROL BOARD
September 16, 2009

DICKERSON PETROLEUM, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 09-87
)	PCB 10-5
ILLINOIS ENVIRONMENTAL)	(UST Appeal)
PROTECTION AGENCY,)	(Consolidated)
)	
Respondent.)	

HEARING REPORT

On September 16, 2009, a hearing in this matter was held at the Illinois Pollution Control Board in Springfield, Illinois. Attorneys Ed Dwyer and Monica Rios appeared on behalf of the petitioner. Attorney James Richardson appeared on behalf of the respondent.

Witness Credibility

3 witnesses testified during the hearing:

- Mr. Tom Herlacher
- Mr. James Foley
- Mr. Jay Gaydosh

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 8 exhibits as evidence at hearing. An exhibit list itemizing the offered exhibits and summarizing their status is attached to this order. Respondent did not object to exhibits 1-5 and 8, and those exhibits were admitted. Respondent's objections to exhibits 6 and 7 were sustained, and petitioner has made offers of proof. Additionally, the parties agree that certain documents were inadvertently omitted from the administrative record filed with the Board. The supplemental materials, which are properly part of the record, begin with Bates stamp 000191.

Briefing Schedule

The transcript is due by September 28, 2009. Petitioner's brief is due by 4:30 p.m. October 26, 2009 and respondent's brief is due by 4:30 p.m. on November 23, 2009. The mailbox rule will not apply, although the parties may file electronically, or if necessary, by fax with originals to follow. The public comment deadline is October 13, 2009.

IT IS SO ORDERED.



Carol Webb
Hearing Officer
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PCB 09-87 and PCB 10-5
September 16, 2009 Hearing

Exhibit List

Exhibit	Description	Status
Petitioner's Exhibit #1	Thomas Herlacher's resume	Admitted
Petitioner's Exhibit #2	35 Ill. Adm. Code 734.505 printed from Lexis	Admitted
Petitioner's Exhibit #3	35 Ill. Adm. Code 734.210 printed from Lexis	Admitted
Petitioner's Exhibit #4	41 Ill. Adm. Code 170.560 printed from Lexis	Admitted
Petitioner's Exhibit #5	41 Ill. Adm. Code 170.580 printed from Lexis	Admitted
Petitioner's Exhibit #6	Log of Underground Storage Tank for County Line Quick Stop	Not Admitted
Petitioner's Exhibit #7	Log of Underground Storage Tank for Red Bud Oil Company	Not Admitted
Petitioner's Exhibit #8	James Foley's resume	Admitted

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class on September 16, 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 September 16, 2009:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
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