

ILLINOIS POLLUTION CONTROL BOARD
May 17, 2011

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MAY 17 2011

STATE OF ILLINOIS
Pollution Control Board

KCBX TERMINAL COMPANY,)
)
Petitioner,)
) PCB 10-110
v.) PCB 11-43
) (Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL) (Consolidated)
PROTECTION AGENCY,)
)
Respondent.)

ORIGINAL

HEARING OFFICER ORDER

On May 12, 2011, all parties participated in a telephonic status conference with the hearing officer. The pre-hearing motions¹ were first discussed. On May 10, 2011, the petitioner filed a motion to admit the transcript of the evidence deposition of George Kennedy and the exhibits referenced therein. Respondent's response time was extended to May 23, 2011, because a motion to supplement before the Board filed by the petitioner on April 28, 2011, may involve some of the same documents. The mailbox rule will not apply and all electronic or approved telefax filings must be received by the Clerk's office no later than 4:30 p.m. of the due date. It is noted that the pre-hearing motion cut-off date was May 10, 2011.

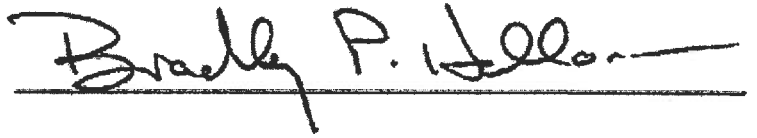
Also discussed at the telephonic status conference was petitioner's motion to compel, filed May 3, 2011. The motion to compel involved certain documents referenced in the evidence deposition of George Kennedy. The respondent stated that it was not going to respond to the motion to compel because all of the documents requested by petitioner are included in its motion to supplement, filed May 11, 2011. The petitioner stated that it had no objection or issues with respondent's motion to supplement, and that its motion to compel is moot.

Finally, the parties represented that there will be no more than two witnesses to testify at the hearing.

The parties or their legal representatives are directed to appear at a telephonic pre-hearing conference with the hearing officer on May 24, 2011, at 10:00 a.m. The telephonic status conference must be initiated by the complainant, but each party is nonetheless responsible for its own appearance. At the conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.

¹ Pre-hearing motions in this context are motions, including motions *in limine*, that are addressed by the hearing officer to help streamline the hearing.



Handwritten signature of Bradley P. Halloran, underlined.

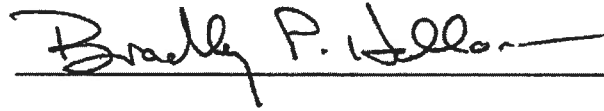
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on May 17, 2011, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on May 17, 2011:

John T. Therriault
 Illinois Pollution Control Board
 James R. Thompson Center
 100 W. Randolph St., Ste. 11-500
 Chicago, Illinois 60601



Bradley P. Halloran
 Hearing Officer
 Illinois Pollution Control Board
 100 W. Randolph Street, Suite 11-500
 Chicago, Illinois 60601
 (312) 814-8917

SERVICE LIST

PCB 2010-110
 Division of Legal Counsel
 IEPA
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, IL 62794-9276

PCB 2010-110
 Christopher J. Grant
 Office of the Attorney General
 69 W. Washington Street, Suite 1800
 Chicago, IL 60602

PCB 2010-110
 Lauren C. Lurkins
 Hodge Dwyer & Driver
 3150 Roland Avenue
 Post Office Box 5776
 Springfield, IL 62705-5776

PCB 2010-110
 Katherine D. Hodge
 Hodge Dwyer & Driver
 3150 Roland Avenue
 Post Office Box 5776
 Springfield, IL 62705-5776