

ORIGINAL

THE ILLINOIS POLLUTION CONTROL BOARD

ALLEN McAFEE,)
)
 Petitioner,)
)
 vs.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

PCB-15-84 (UST Appeal)

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STATE OF ILLINOIS
Pollution Control Board

TRANSCRIPT FROM THE PROCEEDINGS taken before
HEARING OFFICER CAROL WEBB, by LISA K. HAHN, CSR,
RMR, a notary public within and for the County of
Macon and State of Illinois, at the Illinois
Pollution Control Board, 1021 North Grand Avenue
East, (North Entrance), Springfield, Illinois, on the
15th day of December 2014, A.D., at 1:00 p.m.

1 A P P E A R A N C E S:

2 ILLINOIS POLLUTION CONTROL BOARD,
3 1021 North Grand Avenue East
4 North Entrance
5 Springfield, Illinois 60601
6 217-524-8509
7 webbc@ipcb.state.il.us
8 BY: MS. CAROL WEBB, HEARING OFFICER

9 MOHAN, ALEWELT, PRILLAMAN & ADAMI
10 Suite 325
11 1 North Old Capitol Plaza
12 Springfield, Illinois 62701-1323
13 217-528-2517
14 shaw@mohanlaw.com
15 BY: PATRICK D. SHAW, ESQ.
16 Appeared on behalf of the Petitioner;

17 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
18 1021 North Grand Avenue East
19 P.O. Box 19276
20 Springfield, Illinois 62794-9276
21 217-782-2893
22 melanie.jarvis@epa.state.il.us
23 BY: MELANIE A. JARVIS, ESQ.
24 Appeared on behalf of the Respondent.

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I N D E X

P A G E S

Opening Remarks by the Hearing Officer...

Preliminary Matters Discussed.....

NO EXHIBITS MARKED

1 HEARING OFFICER: All right. Well, I
2 guess we can go ahead and begin, if everybody's
3 ready.

4 Good afternoon. My name is Carol Webb.
5 This is a hearing for PCB-15-84, Allen McAfee versus
6 IEPA. It is December 15th and we are beginning at
7 1:00 p.m.

8 For the record, although this facility is
9 located in Brighton, Illinois, there was no known
10 public interest in this case, so I granted the
11 Petitioner's request to hold the hearing in
12 Springfield. I'll note for the record that there are
13 no members of the public present.

14 At issue in this case is whether the
15 Agency may require a Project Labor Agreement as a
16 condition for budget approval of a site investigation
17 plan. The decision deadline is February 19th,
18 although Petitioner does plan to waive that decision
19 deadline to March 5th.

20 The Pollution Control Board members will
21 make the final decision in this case. My purpose is
22 to conduct the hearing in a neutral and orderly
23 manner so that we have a clear record of the
24 proceedings.

1 This hearing was noticed pursuant to the
2 Act and the Board's rules and will be conducted
3 pursuant to Sections 101.600 through 101.632 of the
4 Board's Procedural Rules.

5 At this time, I will ask the parties to
6 please make their appearances on the record.

7 MR. SHAW: Patrick Shaw for Petitioner,
8 Allen McAfee.

9 MS. JARVIS: Melanie Jarvis for the
10 Illinois EPA.

11 HEARING OFFICER: Thank you. Are there
12 any preliminary matters to discuss on the record?

13 MS. SHAW: No.

14 MS. JARVIS: No.

15 HEARING OFFICER: Okay. Mr. Shaw, would
16 you like to make any opening statement?

17 MR. SHAW: I'd like to reserve our
18 opening statement for the briefs.

19 HEARING OFFICER: Ms. Jarvis?

20 MS. JARVIS: We would also like to
21 reserve opening for the briefs.

22 HEARING OFFICER: Okay. Mr. Shaw, you
23 may present your case.

24 MR. SHAW: We have no case to present

1 today. We will rest.

2 HEARING OFFICER: Okay. And you're not
3 offering any exhibits?

4 MR. SHAW: Not offering exhibits.

5 HEARING OFFICER: All right. Ms. Jarvis,
6 do you have anything you'd like to present?

7 MS. JARVIS: We just want to reserve our
8 objection to the Board's jurisdiction in this case,
9 and then we will save our presentation of any
10 evidence after Mr. Shaw's brief.

11 HEARING OFFICER: Okay.

12 The transcript is due by December 26th
13 and will be posted on the Board's website.

14 The public comment deadline is December
15 29th. Any public comment must be filed in accordance
16 with Section 101.628 of the Board's Procedural Rules.

17 The Petitioner's brief is due by January
18 9th. The Respondent's brief is due by January 19th
19 and Petitioner's reply is due by February 5th,
20 assuming that we receive the waiver, to March 5th.
21 The mailbox rule will not apply.

22 Any closing statement from the
23 Petitioner?

24 MR. SHAW: I'll reserve our argument for

1 the briefs.

2 HEARING OFFICER: And you as well,
3 Ms. Jarvis?

4 MS. JARVIS: Likewise.

5 HEARING OFFICER WEBB: Okay. At this
6 time I will conclude the proceedings. We stand
7 adjourned. Thank you for your participation.

8 (Hearing concluded at 1:02 p.m.)

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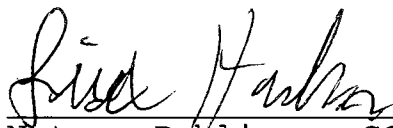
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1 STATE OF ILLINOIS)
) SS
 2 COUNTY OF MACON)
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5 I, LISA K. HAHN, do hereby certify that I am
 6 a Certified Shorthand Reporter and Notary Public in
 7 the State of Illinois and that I reported in
 8 shorthand the foregoing, taken on the 15th day of
 9 December, 2014, and that the foregoing is a true and
 10 correct transcript of my shorthand notes so taken.
 11
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14 

15 _____
 16 Notary Public -- CSR, RMR
 CSR #084.2149
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