

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

HAMILTON & GROVE)
 PROPERTIES, INC.)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

PCB 15-71
 (Permit Appeal – Land, SRP)

NOTICE

John T. Therriault
 Clerk of the Board
 Illinois Pollution Control Board
 100 West Randolph Street, Suite 11-500
 Chicago, Illinois 60601-3218

James B. Williams
 Law Offices of James B. Williams
 7705 S. Cottage Grove Avenue
 Chicago, Illinois 60619

Bradley P. Halloran
 Hearing Officer
 Illinois Pollution Control Board
 100 West Randolph Street, Suite 11-500
 Chicago, Illinois 60601-3218

PLEASE TAKE NOTICE that I have today caused to be filed a MOTION TO PRESENT WITNESSES BY VIDEOCONFERENCE with the Illinois Pollution Control Board, a copy of which is served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
 PROTECTION AGENCY,

Respondent,

Dated: February 5, 2015

Scott B. Sievers
 Attorney Registration No. 6275924
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276
 (217) 782-5544

BY:

 Scott B. Sievers
 Special Assistant Attorney General

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

HAMILTON & GROVE)	
PROPERTIES, INC.)	
)	
Petitioner,)	
)	
v.)	PCB 15-71
)	(Permit Appeal – Land, SRP)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

MOTION TO PRESENT WITNESSES BY VIDEOCONFERENCE

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through its counsel, Special Assistant Attorney General Scott B. Sievers, and moves the honorable Hearing Officer to allow the Respondent to present some of its witnesses at hearing by videoconference. In support, the Respondent states the following:

1. The Hearing Officer in this action has indicated that the hearing in this matter will be set in mid-March 2015 in Chicago, Illinois.
2. The Respondent is headquartered in the state capital of Springfield, Illinois.
3. Some of the Respondent’s anticipated witnesses work in its Springfield headquarters and will not be able to attend the hearing in Chicago or will be unduly burdened by attending the hearing in Chicago, as they have other duties requiring their presence in Springfield, such as being on standby to testify before the General Assembly on budgetary matters.
4. One of the Respondent’s anticipated witnesses works in Springfield for another branch of Illinois state government, but not for the Respondent, and thus the Respondent does not have direct control over that individual’s attendance at hearing.
5. Another of the Respondent’s anticipated witnesses works in Springfield but is not a

State of Illinois employee, and thus the Respondent does not have direct control over that individual's attendance at hearing. This particular individual has expressed that his attendance at a hearing in Chicago likely would be too burdensome to him to attend voluntarily.

6. The appearance by videoconference of witnesses is commonplace in State judicial and quasi-judicial proceedings. The undersigned personally has participated in proceedings in which witnesses appeared by videoconference before the Executive Ethics Commission, the Civil Service Commission, the Court of Claims, and the U.S. District Court for the Southern District of Illinois.

7. The Supreme Court of Illinois has specifically recognized the ability of witnesses to appear in evidentiary proceedings by videoconference. *See, e.g.*, Ill. S.Ct. Rule 206(h). Illinois Supreme Court Rule 241, Use of Video Conference Technology in Civil Cases, provides that “[t]he court may, for good cause shown in compelling circumstances and upon appropriate safeguards, permit presentation of testimony in open court by contemporaneous transmission from a different location.” Ill. S.Ct. Rule 241.

8. The appearance of witnesses at the hearing by videoconference will not unduly prejudice or burden the parties, the Hearing Officer, or the Board.

9. The undersigned has conferred with counsel for the Petitioner, and counsel for the Petitioner objects to this motion.

WHEREFORE, the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, prays that the honorable Hearing Officer ALLOW this Motion to Present Witnesses by Videoconference so that some of the Respondent's anticipated witnesses may appear by videoconference at the hearing in this matter.

Respectfully submitted,

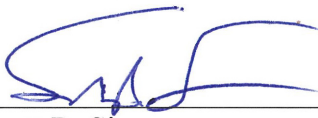
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Dated: February 5, 2015

Scott B. Sievers
Attorney Registration No. 6275924
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Respondent,

BY:



Scott B. Sievers
Special Assistant Attorney General

Hamilton & Grove Properties, Inc. v. Illinois Environmental Protection Agency
Pollution Control Board No. 15-71

CERTIFICATE OF SERVICE

Scott B. Sievers, Special Assistant Attorney General, herein certifies that he has served a copy of the foregoing **MOTION TO PRESENT WITNESSES BY VIDEOCONFERENCE** upon:

John T. Therriault
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

James B. Williams
Law Offices of James B. Williams
7705 S. Cottage Grove Avenue
Chicago, Illinois 60619
james.b.williams@sbcglobal.net

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

by e-mail where indicated and by mailing true copies thereof to the addresses referred to above in envelopes duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois, on February 5, 2015.

Respectfully submitted,

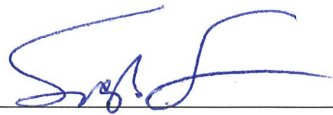
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Dated: February 5, 2015

Scott B. Sievers
Attorney Registration No. 6275924
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Respondent,

BY:



Scott B. Sievers
Special Assistant Attorney General