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## BEFORE THE

## ILLINOIS POLLUTION CONTROL BOARD

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SHARON BURGESS

-vs-

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ) DOCKET PCB 15-186

Hearing held, pursuant to notice, on Tuesday, August 11, 2015, at the hour of 10:00 a.m. at 1021 N. Grand Avenue East, Springfield, Illinois, before CAROL WEBB, duly appointed Hearing Officer.

L.A. REPORTING SERVICE (312)419-9292

REPORTER: LAUREL A. PATKES, CSR #084-001340

Page 2 BOARD MEMBER: DEANNA GLOSSER, Chairman APPEARANCES: PATRICK SHAW on behalf of Petitioner; MELANIE JARVIS Assistant Counsel IEPA on behalf of Respondent. 

Page 4 1 PROCEEDINGS 2 (Whereupon IEPA Exhibits 1 3 through 4 were marked for identification as of this date.) 4 5 HEARING OFFICER WEBB: Good morning. 6 My name is Carol Webb, and this is the hearing for 7 PCB 15-186, Sharon Burgess versus IEPA, and it is August 11, 2015, and we are beginning at 10 o'clock 8 9 a.m. 10 With me today is Board Chairman 11 Deanna Glosser. 12 For the record, although this 13 facility is located in Kankakee County, there was no 14 known public interest in this case so I granted the 15 parties' request to hold the hearing in Springfield. There are no members of the 16 17 public present to comment, but written public 18 comment may be filed with the clerk by August 18th. 19 At issue in this case is the 20 Agency's reduction of reimbursement amounts in 21 petitioner's corrective action plan and budget for a 22 facility located at 2835 U.S. Highway 52 in 23 Kankakee. The decision deadline is currently 24 October 15th. Petitioner has agreed to waive that

Page 5 1 petition deadline to November 5th. 2 The Pollution Control Board 3 members will make the final decision in this case. 4 My purpose is to conduct the hearing in a neutral 5 and orderly manner so that we have a clear record of 6 the proceedings. 7 This hearing was noticed 8 pursuant to the Act and the Board's rules and will 9 be conducted pursuant to Sections 101.600 through 10 101.632 of the Board's procedural rules. 11 At this time, I will ask the 12 parties to please make their appearances on the 13 record. MR. SHAW: 14 Thank you. 15 Patrick Shaw for petitioner. MS. JARVIS: Melanie Jarvis for 16 17 Illinois Environmental Protection Agency. 18 HEARING OFFICER WEBB: Thank you. 19 Are there any preliminary 20 matters to discuss on the record? 21 No, Your Honor. MR. SHAW: 22 HEARING OFFICER WEBB: Would 23 petitioner like to give an opening statement? 24 MR. SHAW: I would like to reserve

Page 6 1 our opening statement for the brief. 2 HEARING OFFICER WEBB: Okay. 3 Would the Agency care to make an 4 opening statement? 5 MS. JARVIS: We would likewise reserve our opening statement for the brief. 6 7 HEARING OFFICER WEBB: Okay. 8 Mr. Shaw, you may present your 9 case. 10 MR. SHAW: We have no testimony to 11 present today. 12 HEARING OFFICER WEBB: No testimony, no exhibits, nothing? 13 MR. SHAW: Nothing. 14 15 HEARING OFFICER WEBB: Does the 16 Agency have anything they would like to present 17 today? 18 MS. JARVIS: Yes. We have four 19 exhibits. 20 HEARING OFFICER WEBB: Okay. MS. JARVIS: So we have Exhibit No. 1 21 22 is from our website regarding the leaking 23 underground storage tank program. No. 2 is also from the website 24

Page 7 1 updated from No. 1. 2 No. 3 is the subpart (h), 3 maximum payment amounts amended July 1, 2015. 4 And No. 4 is the project labor 5 agreement fact sheet. 6 HEARING OFFICER WEBB: Mr. Shaw, do 7 you have any objection? 8 MR. SHAW: No objection. 9 HEARING OFFICER WEBB: Okay. The Agency's Exhibits 1 through 4 are admitted. 10 11 (Whereupon IEPA Exhibits 1 12 through 4 were admitted into 13 evidence at this time.) 14 HEARING OFFICER WEBB: Does the 15 Agency have anything further? MS. JARVIS: No. That's all. 16 17 HEARING OFFICER WEBB: Okay. 18 The transcript is due by 19 August 18th and will be posted on the Board's 20 website. 21 The public comment deadline is 22 August 18th. Any public comment must be filed in 23 accordance with Section 101.628 of the Board's 24 procedural rules. The petitioner's brief is due by

Page 8 1 September 1st, and respondent's brief will be due by 2 September 22nd, and the petitioner may file a reply 3 by October 5th. 4 This is all assuming that 5 petitioner does, in fact, waive the decision 6 deadline to November 5th. 7 Would the petitioner care to 8 make a closing argument? 9 We'd like to reserve our MR. SHAW: 10 argument for the briefs. HEARING OFFICER WEBB: Would the 11 12 Agency care to make any closing statements? 13 MS. JARVIS: We just have a 14 clarification. 15 HEARING OFFICER WEBB: Yes. MS. JARVIS: Okay. The Agency did 16 17 not reduce costs or submitted costs. We approved 18 Subpart (h) amounts in a budget, so this isn't a 19 reimbursement case, okay? I just wanted to make 20 that clear because you said that we reduced costs, 21 but what we did was we approved Subpart (h) rates, 22 and we did not cut things in a reimbursement 23 package. 24 HEARING OFFICER WEBB: I apologize if

Page 9 I mischaracterized the issue in the case. 1 2 MS. JARVIS: I just wanted to make 3 sure it was clear. 4 MR. SHAW: It's a budget case. 5 MS. JARVIS: It's a budget case. HEARING OFFICER WEBB: Sorry about 6 7 that. MS. JARVIS: That's okay. 8 9 Otherwise, we reserve the rest 10 of our closing statement for the brief. 11 HEARING OFFICER WEBB: Okay. At this 12 time, I will conclude the proceedings. We stand 13 adjourned, and I thank you all for your 14 participation. 15 (Which were all of the 16 proceedings held at this time.) 17 18 19 20 21 22 23 24

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2	)SS. COUNTY OF SANGAMON)
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4	CERTIFICATE
5	I, Laurel A. Patkes, Certified Shorthand
6	Reporter in and for said County and State, do hereby
7	certify that I reported in shorthand the foregoing
8	proceedings and that the foregoing is a true and
9	correct transcript of my shorthand notes so taken as
10	aforesaid.
11	I further certify that I am in no way
12	associated with or related to any of the parties or
13	attorneys involved herein, nor am I financially
14	interested in this action.
15	Dated August 20, 2015.
16	
17	Certified Shorthand Reporter
18	Certified Shorthand Reporter
19	
20	
21	
22	
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