

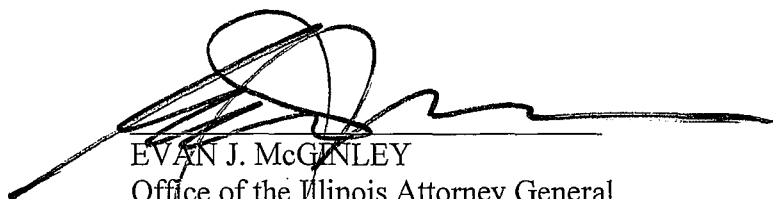
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO. 04-137
)	(Enforcement - Air)
CII CARBON, L.L.C.)	
a foreign corporation,)	
Respondent.)	

NOTICE OF FILING

NOW COMES EVAN J. MCGINLEY, Assistant Attorney General, on behalf of Complainant, the People of the State of Illinois, this 23rd day of December 2015, who herewith files Complainant's and Respondent's "Joint Responses to Board's December 2, 2015 Questions."

Respectfully Submitted,



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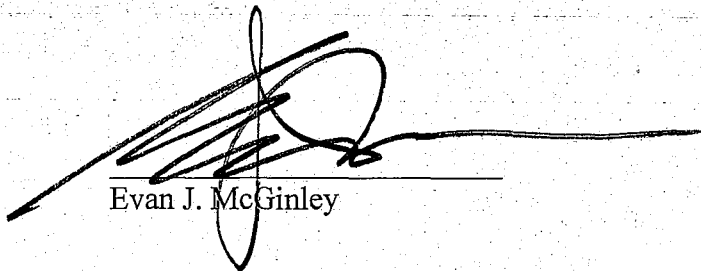
CERTIFICATE OF SERVICE

I, EVAN J. MCGINLEY, Assistant Attorney General with the State of Illinois, do hereby certify that, today, this 23rd day of December 2015 A.D., I caused to be served on the individuals listed below, by first class mail, a true and correct copy of this Notice of Filing, as well as the attached "Joint Responses to Board's December 2, 2015 Questions", by placing copies of the same in an envelope with proper postage affixed thereto, and depositing the same with the United States Postal Service on or before 1700 hours, at 100 West Randolph Street, Chicago, Illinois 60606.

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
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Roy M. Harsch
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Chicago, Illinois 60606



Evan J. McGinley

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
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JOINT RESPONSES TO BOARD'S DECEMBER 2, 2015 QUESTIONS

Question No.1:

Is the facility functioning in the same way it was at the time of the original alleged violations in 2004? If not, what operational changes have been made since then?

Response:

Respondent owns and operates a coke production facility, located at 12187 East 850th Avenue, Robinson, Crawford County, Illinois ("Facility"). Respondent's Clean Air Act Permitting Program permit ("CAAPP Permit") allows for the operation of two petroleum coke calcining lines at the Facility. Because of reduced market demand Respondent currently operates only one of these two lines and projects that this limitation will continue throughout 2016. Complainant contends that some of the major operational changes at the 2 calcining lines which have occurred at the Facility since 2004, and which are now conditions of Respondent's CAAPP Permit, include:

- Limitations on crossovers between the two calcining lines, that allow the utilization of components from either of the two lines; and,
- Under normal operations, neither cooler can be vented to either of the Facility's pyro-scrubbers.

Respondent respectfully disagrees with the Complaint's contentions that these were operational changes to the normal manner in which they operated their calcining lines at the time the original complaint was filed in 2004. While agreeing with Complainant that the current CAAPP Permit has these conditions, Respondent states that previous permits contained such conditions.

Question No.2:

Which counts from the third amended complaint are currently disputed in settlement discussions and which counts have been resolved in settlement discussions?

Response:

During the course of settlement discussions conducted by the parties over the past several months, the parties have focused their efforts on achieving a global resolution of all outstanding issues in this case. All counts remain in dispute at this time. If the parties end up litigating this matter to conclusion, instead of settling, the parties may discuss narrowing the contested issues at the appropriate time.

Question No.3:

What issues impede the resolution of those counts in dispute?

Response:

See response to Question No. 2.

Question No.4:

Has a proposal been made to resolve these counts in dispute? If so, who made the proposal and when is a response to the proposal expected?

Response:

Please see the response to Question No. 2, above. Further responding, Complainant has drafted a Stipulation and Proposal for Settlement Agreement ("Stipulation"), to which the Respondent has provided its comments and suggested modifications. During the course of 2015, Complainant has sent Respondent three revisions of the Stipulation and Respondent, in turn, has provided extensive comments to Complainant on each revision. Complainant is currently reviewing comments which Respondent provided in late November regarding Complainant's most recent revision to the Stipulation.

Question No.5:

What are the dates of the three most recent discussions when the parties met to discuss settlement?

Response:

The parties, through their respective counsel, have conducted settlement discussions on several occasions over the course of calendar year 2015, most recently, on August 13, September 1, and November 17, 2015. Revised drafts of the Stipulation were exchanged between the parties prior to each of these settlement discussions. Additionally, on December 17, 2015, the parties discussed a timetable for completing settlement of this case.

Question No.6:

Is a future meeting scheduled?

Response:

Yes, the respective parties' counsel anticipates holding further settlement discussions during the second week of January 2016. Complainant's counsel anticipates providing Respondent's counsel with a revised draft of the Stipulation prior to their next settlement discussions. The parties' respective counsel further expects to hold additional settlement discussions later in January 2016, in an effort to reach a final settlement of this case.

Question No.7:

Can you estimate of when settlement may be reached?

Response:

Given the extensive settlement discussions that have been held between the parties during the second half of 2015, the parties presently believe that they will be able to reach an agreement on a final Stipulation during the be the end of March 2016.

Question No.8:

Provide a schedule for discovery and dispositive motions agreed to by both parties that leads to a hearing date for this action in 2016. If the Board finds that the schedule is acceptable, it will adopt it with the aim or resolving this action in 2016.

Response:

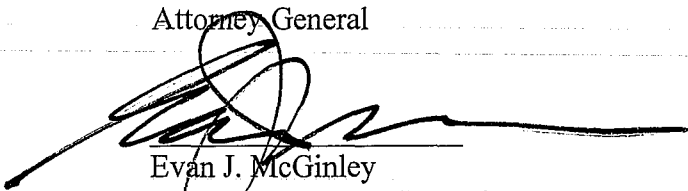
Assuming that the parties are unable to meet their self-imposed deadline for a filing of the Stipulation with the Board by the end of March 2016, the parties believe that the following schedule for conducting discovery and dispositive motions, such that a hearing on this matter during 2016 could be held would proceed as follows:

- Both parties to serve written discovery on or before April 15, 2016
- All oral discovery to be completed by June 30, 2016
- Complainant to disclose any experts to Respondent on or before July 15, 2016
- Respondent to depose any of Complainant's experts by August 12, 2016
- Respondent to disclose any experts to Complainant on or before September 9, 2016
- Complainant to depose any of Respondent's experts by October 7, 2016
- All dispositive motions in this case to be filed on or before November 25, 2016
- Hearing on matter on December 19, 2016

Respectfully Submitted:

For Complainant:

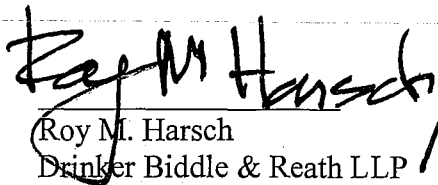
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*EVAN MCGINLEY
UPON AUTHORITY
OF
ROY M. HARSCH*