ILLINOIS POLLUTION CONTROL BOARD July 12, 2017

JOHNS MANVILLE, a Delaware corpora	ation,)
Complainant,)
v.) PCB 14-3) (Citizens Enforcement
ILLINOIS DEPARTMENT OF) (Citizens Emorcemen
TRANSPORTATION,	
Respondent.)

HEARING OFFICER ORDER

On July 11, 2017, all parties participated in a telephonic status conference with the hearing officer. With the agreement of the parties, Commonwealth Edison (ComEd), a non-party and recipient of discovery subpoenas from the Illinois Department of Transportation (IDOT) also participated.

ComEd and IDOT stated that they have had productive discussions and have narrowed the scope of discovery as to ComEd. It appears, however, that ComEd is reluctant to provide a privilege log regarding unspecified discovery it alleges is privileged in one way or another. *See eg.* Timber Creek Homes, Inc. v. Village of Round Lake Park, Round Lake Park Village Board and Groot Industries, Inc., PCB 14-99, (May 12, 2014) (privilege log). Section 130 of the Board's procedural rules regarding non-disclosable information was also discussed. ComEd and IDOT continue discussions in an attempt to reach a resolve.

Any and all due dates for discovery and response times for the parties and ComEd are held in abeyance and any revised due dates will be discussed at the next status conference.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on July 19, 2017, 2017, at 10:30 a.m. The telephonic status conference must be initiated by the complainant, but each party is nonetheless responsible for its own appearance.

IT IS SO ORDERED.

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

Brad.Halloran@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on July 12, 2017, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on July 12, 2017:

Don Brown 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

Bradley P. 12000-

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@ Consents to electronic service

SERVICE LIST

PCB 2014-003 @ Matthew D. Dougherty Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764

PCB 2014-003 @ Lauren J. Caisman Bryan Cave LLP 161 N. Clark Street Suite 4300 Chicago, IL 60601-3715

PCB 2014-003 @ Evan J. McGinley Office of the Attorney General 69 W. Washington Street, Suite 1800 Chicago, IL 60602

PCB 2014-003 Gabrielle Sigel Jenner & Block LLP 353 N. Clark Street Chicago, IL 60654 PCB 2014-003@ Ellen O'Laughlin Office of the Attorney General 69 W. Washington Street, Suite 1800 Chicago, IL 60602

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