ILLINOIS POLLUTION CONTROL BOARD July 24, 2017

JOHNS MANVILLE, a Delaware corporation,)	
Complainant,)	
v.)	PCB 14-3 (Citizens Enforcement)
ILLINOIS DEPARTMENT OF TRANSPORTATION,)	(Chizens Emorement)
Respondent.)	

HEARING OFFICER ORDER

On July 19, 2017, all parties participated in a telephonic status conference with the hearing officer. 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 an agreement on the scope of discovery. ComEd stated that it will file with the Board an application for non-disclosure pursuant to 101.614, 101.616 and 130.400 of the Board's procedural rules. ComEd also stated that it will submit a privilege log and its basis for applying privilege to the documents for an in camera review. ComEd's application for non-disclosure and privilege log must be filed and/or submitted on or before August 4, 2017. Johns Manville (JM) stated that it will also file an application for non-disclosure regarding document requests. JM's application for non-disclosure must be filed on or before August 4, 2017. IDOT must file its' responses to ComEd's and JM's filings and submittals on or before September 15, 2017. ComEd's and JM's reply must be filed on or before October 6, 2017.

Over IDOT's objection, it was suggested that any responses to IDOT's "Motion to Require Johns Manville to Produce Frederick Scott Myers for Second Deposition", filed July 18, 2017, will be held in abeyance until a ruling is made on ComEd's and JM's application for non-disclosue and ComEd's privilege log.

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 August 24, 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 24, 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 24, 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-

Chicago, Illinois 60601

@ 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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