

ILLINOIS POLLUTION CONTROL BOARD
May 5, 2006

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
) AC 05-40
v.) (IEPA No. 567-04-AC)
) (Administrative Citation)
NORTHERN ILLINOIS SERVICE)
COMPANY,)
)
Respondent.)

HEARING REPORT

On April 20, 2006, a hearing in this matter was held at the State of Illinois Rockford Regional Office, 4302 North Main Street, Rockford, Illinois. Attorney Michelle Ryan appeared and participated on behalf of the complainant. Attorneys Peter DeBruyne and Lewis Kaplan appeared and participated on behalf of the respondent.

Witness Credibility

Three witnesses testified on behalf of the respective parties. Based upon my legal judgment, experience, and observations at the hearing, I find that the credibility of witnesses is not an issue in this matter.

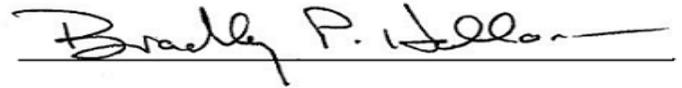
Exhibits

The parties offered exhibits as evidence at the hearing. An exhibit list itemizing the offered exhibits and summarizing their status is attached to this order.

Briefing Schedule

A briefing schedule was discussed and agreed to at the hearing. The complainant's post-hearing brief is due to be filed on or before May 23, 2006. The respondent's post-hearing brief is due to be filed on or before June 12, 2006. Complainant's reply, if any, is due to be filed on or before June 27, 2006. Public comment is due to be filed on or before May 10, 2006.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

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

AC 05-40
April 20, 2006, Hearing

Exhibit List

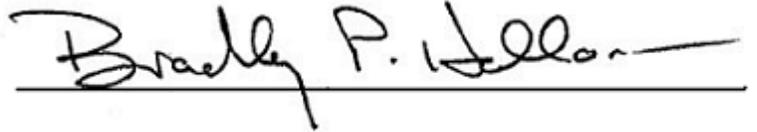
Exhibit	Description	Status
Complainant's Exhibit 1	Investigation Report, dated October 4, 2004.	Admitted
Respondent's Exhibit 1	Delivery Ticket, dated April 11, 2006	Admitted
Respondent's Exhibit 2	Delivery Ticket, dated April 14, 2006	Admitted
Respondent's Exhibit 3	Shipping Order and Invoice, dated July 11, 2005, and July 12, 2005, respectively	Admitted
Respondent's Exhibit 4	Open Burning Permit, Application number B0409003	Admitted

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on May 4, 2006, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on May 4, 2006:

Dorothy M. Gunn
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601

A handwritten signature in black ink that reads "Bradley P. Halloran" with a horizontal line underneath it.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312.814.8917

AC 2005-040
Michelle M. Ryan
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

AC 2005-040
Wayne Klinger
Northern Illinois Service Company
4781 Sandy Hollow Road
Rickford, IL 61109

AC 2005-040
Peter DeBruyne
Peter DeBruyne, P.C.
838 North Main Street
Rockford, IL 61103