

CERTIFICATE OF SERVICE

I, Edward W. Dwyer, the undersigned, hereby certify that I have served the attached PETITIONER'S OPINION WITNESS DISCLOSURE upon:

Mr. John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on March 15, 2011 and upon:

Mr. Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Christopher Grant, Esq.
Illinois Attorney General's Office
69 West Washington Street
Suite 1800
Chicago, Illinois 60602

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on March 15, 2011.

/s/ Edward W. Dwyer
Edward W. Dwyer

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 11-43
)	(Air Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

PETITIONER'S OPINION WITNESS DISCLOSURE

NOW COMES Petitioner, KCBX TERMINALS COMPANY ("KCBX"), by its attorneys, HODGE DWYER & DRIVER, and for its Opinion Witness Disclosure, states as follows:

1. The March 8, 2011, Order of the Illinois Pollution Control Board ("Board") Hearing Officer set various deadlines in this matter, including the following:

March 15, 2011 Petitioner's opinion witness(es) and their opinion(s) disclosed.

March 22, 2011 Respondent's opinion witness(es) and their opinion(s) disclosed.

2. Petitioner provides the following list of opinion witnesses:

Robert W. Bernoteit
FESOP/State Permits Unit Manager
Illinois Environmental Protection Agency
Permit Section, Bureau of Air
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Petitioner is unable to state what opinions Mr. Bernoteit may tender at hearing. Petitioner however, expects to elicit testimony from Mr. Bernoteit regarding his role as the manager of the FESOP/State Permits Unit at the Illinois Environmental Protection Agency

("IEPA"), generally. This will include his knowledge and experience with IEPA policies and procedures related to issuing permits in the Bureau of Air. More specifically Petitioner anticipates that Mr. Bernoteit will testify regarding his supervisory and/or direct role in: a) the review of submittals from the Petitioner regarding the FESOP Permit issued by IEPA to the Petitioner dated December 29, 2010 (hereinafter "FESOP Permit;" b) preparation of responses to the Petitioner regarding submittals related to the FESOP Permit; c) communications and/or meetings between Mr. Bernoteit his staff and any other IEPA personnel involved in preparing drafts of the FESOP Permit and the final issued FESOP Permit; d) communications and meetings between Mr. Bernoteit, his staff, Petitioner and/or its representatives regarding the drafting the editing of drafts and the final issued FESOP Permit. Testimony is also expected to include relevant discussion of State and federal statutes, e.g. federal Clean Air Act, Section 39.5 of the Illinois Environmental Protection Act, regulations promulgated under such statutes as well as State and/or Federal guidance and industry publications, related to emission source classification and emission limit calculations in the IEPA Bureau of Air's permitting process generally and regarding the FESOP Permit, specifically. Petitioner anticipates reviewing Mr. Bernoteit's education, training, experience, and familiarity with Petitioner's facility and industry.

George M. Kennedy, P.E.
Environmental Protection Engineer
Illinois Environmental Protection Agency
Permit Section, Bureau of Air
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Petitioner is unable to state what opinions Mr. Kennedy may tender at hearing. However, if called to testify by the Petitioner, Petitioner expects to elicit testimony from Mr. Kennedy regarding his background, training and experience in drafting permits, and his duties and responsibilities in the FESOP/State Permits Unit at the Illinois Environmental Protection Agency ("IEPA"). More specifically Petitioner anticipates that Mr. Kennedy will testify regarding his role in: a) the review of submittals from the Petitioner regarding the FESOP Permit issued by IEPA to the Petitioner dated December 29, 2010; b) preparation of responses to the Petitioner regarding submittals related to the FESOP Permit; c) communications and/or meetings between Mr. Kennedy and management in the FESOP/State Permits Unit and any other IEPA personnel involved in preparing drafts of the FESOP Permit and the final issued FESOP Permit; d) communications and meetings between Mr. Kennedy, other members of the FESOP/State Permits Unit and/or other IEPA personnel as well as Petitioner and/or its representatives, regarding the drafting the editing of drafts and the final issued FESOP Permit. Mr. Kennedy's testimony is also expected to include State and federal statutes, e.g. federal Clean Air Act, Section 39.5 of the Illinois Environmental Protection Act, regulations promulgated under such statutes as well as State and/or Federal guidance and industry publications, related to emission source classification and emission limit calculations in the IEPA

Bureau of Air's permitting process generally, and more specifically regarding the FESOP Permit issued to the Petitioner.

Edwin C. Bakowski, P.E.
Manager, Permit Section
Illinois Environmental Protection Agency
Division of Air Pollution Control - MC #11
1021 North Grand Avenue East
P. O. Box 19276
Springfield, Illinois 62794-9276

Petitioner is unable to state what opinions Mr. Bakowski may tender at hearing.

Petitioner however, expects that if called to testify by the Petitioner, Mr. Bakowski would testify regarding his background, training and experience at the IEPA, generally. More particularly, Mr. Bakowski may be asked to testify regarding his role as overall Manager of the Permits Section in the Bureau of Air and his involvement if any with the FESOP

Permit issued by the FESOP/State Permits Unit to the Petitioner.

Witness/Representative
KCBX Terminals Co.

Petitioner, reserves the right to call as a witness, a knowledgeable official of the company, who may be an officer, director, or managing agent, or other person to testify on its behalf. If such knowledgeable official is called to testify, Petitioner anticipates that the representative will testify as deemed necessary or appropriate, regarding authentication of any documents, knowledge or lack of knowledge on the part of the Petitioner as to matters raised during the testimony of IEPA employees and in rebuttal as to any matters raised during Respondent's case in chief.

Petitioner reserves its rights to amend this witness disclosure as necessary for reasons including but not limited to: 1) Respondent's Answers to discovery served by

Petitioner; 2) testimony elicited at depositions prior to hearing in this matter; 3) information present in or absent from the Record that has yet to be filed in this proceeding.

WHEREFORE, Petitioner, KCBX TERMINALS COMPANY., makes its opinion witness disclosure as set forth above.

Respectfully submitted,

KCBX TERMINALS COMPANY,
Petitioner,

Dated: March 15, 2011

By: /s/Edward W. Dwyer
One of Its Attorneys

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KCBX:003/Fil/FESOP Appeal/Discovery/Opinion Witness Disclosure