

ILLINOIS POLLUTION CONTROL BOARD
November 5, 2019

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

HEARING OFFICER ORDER

On November 1, 2019, Johns Manville (JM) filed a Motion to Cancel Hearing and Reschedule Hearing (Mot.). On November 4, 2019, a telephonic conference call was scheduled to discuss JM's motion.

In the motion, JM states that it is requesting the cancellation of the hearing commencing on November 19, 2019 for two reasons. First, JM intends to file an interlocutory appeal challenging my Order of October 31, 2019. Motion at 2. Second, one of their expert witnesses, Dr. Ebihara, is required to be in "attendance at an environmental audit in Brazil [as] required by the Brazilian state prosecutor" and will be unavailable on the dates of the hearing, November 19-22, 2019. Mot. at 4. JM suggested that the hearing could be rescheduled in January of 2020. Mot. at 6.

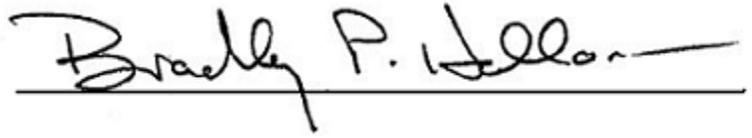
During the conference call, JM reiterated its request to cancel the hearing and reschedule. The Illinois Department of Transportation (IDOT) surmised that cancelling the hearing appears to be the only means to ensure a clear record. IDOT stated that it is unopposed to JM's motion.

JM stated that it will file its interlocutory appeal on or before November 14, 2019. The parties were directed to inquire as to the availability of their respective witnesses for a January or February 2020 hearing.

JM's has demonstrated that its request to cancel the hearing is not the result of a lack of due diligence. See Section 101.510 of the Board's procedural rules. JM's motion to cancel the hearing is granted.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on November 13, 2019, at 10:00 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.

A handwritten signature in black ink that reads "Bradley P. Halloran" with a horizontal line extending to the right from the end of the name.

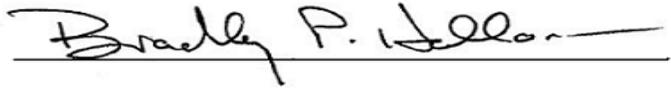
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Hearing Officer
Illinois Pollution Control Board
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Brad.Halloran@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on November 5, 2019, 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 November 5, 2019:

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

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

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

@ Consents to electronic service

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