

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 14-110
	)	(Air Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Mr. John Therriault	Mr. Bradley P. Halloran
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 West Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA FIRST CLASS MAIL)</b>

**(SEE PERSONS ON ATTACHED SERVICE LIST)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board **PETITIONER'S MOTION TO AMEND WITNESS DISCLOSURE** and **PETITIONER'S AMENDMENT TO ITS WITNESS DISCLOSURE**, copies of which are herewith served upon you.

Respectfully submitted,

KCBX TERMINALS COMPANY,  
Petitioner,

Dated: April 15, 2014

By: /s/ Edward W. Dwyer  
Edward W. Dwyer

Katherine D. Hodge  
Edward W. Dwyer  
Matthew C. Read  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

**CERTIFICATE OF SERVICE**

I, Edward W. Dwyer, the undersigned, hereby certify that I have served the attached PETITIONER'S MOTION TO AMEND WITNESS DISCLOSURE and PETITIONER'S AMENDMENT TO ITS 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 April 15, 2014 and upon:

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

Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue  
Post Office Box 19276  
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on April 15, 2014 and upon:

Kathryn A. Pamenter, Esq.  
Christopher J. Grant, Esq.  
Assistant Attorney General  
Office of the Attorney General  
69 West Washington Street, Suite 1800  
Chicago, Illinois 60602

via facsimile and by depositing said document in the United States Mail, postage prepaid, in Springfield, Illinois on April 15, 2014.

/s/ Edward W. Dwyer  
Edward W. Dwyer

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 14-110
	)	(Air Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**PETITIONER'S MOTION TO AMEND WITNESS DISCLOSURE**

NOW COMES Petitioner, KCBX TERMINALS COMPANY ("KCBX"), a North Dakota corporation, by and through its attorneys, HODGE DWYER & DRIVER, and pursuant to 35 Ill. Admin. Code § 101.502, hereby moves to amend its witness disclosure. In support of its Motion, KCBX states as follows:

1. On January 17, 2014, Illinois Environmental Protection Agency ("Illinois EPA") issued a Permit Denial letter to KCBX in response to KCBX's Request for Revision.
2. On February 21, 2014, KCBX initiated this proceeding by filing with the Board its Petition for Review ("Petition") regarding the Permit Denial.
3. On March 24, 2014, Illinois EPA filed the Administrative Record ("Record") with the Board in this permit appeal.
4. On March 28, 2014, KCBX filed its Witness Disclosure in this matter.
5. On April 4, 2014, Illinois EPA filed its witness disclosure, which included, among others, Ms. Julie K. Armitage.
6. On March 26, 2014, Illinois EPA filed a Notice stating that Illinois EPA withdraws Permit Denial Reason #5. However, on April 3, 2014, the Board indicated it would not consider the notice, noting that the Board is obligated to review Illinois EPA's denial.

7. On April 9, 2014, discovery depositions of Michael Dragovich and Robert Bernoteit were taken in Springfield, Illinois.
8. On April 10, 2014, the discovery deposition of Raymond Pilapil was taken in Springfield, Illinois.
9. On April 11, 2014, the discovery deposition of Joseph Kotas was taken in Chicago, Illinois.
10. In light of these developments since KCBX filed its witness disclosure, KCBX has identified additional individuals that it may call as witnesses in the above-captioned matter.
11. A list of those additional witnesses is attached to this Motion.

WHEREFORE Petitioner, KCBX TERMINALS COMPANY, for the above stated reasons, respectfully prays that the Hearing Officer will enter an Order granting this Motion to Amend Witness Disclosure, and that the Hearing Officer award KCBX TERMINALS COMPANY all other relief just and proper in the premises.

Respectfully submitted,

KCBX TERMINALS COMPANY,  
Petitioner,

Dated: April 15, 2014

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

Katherine D. Hodge  
Edward W. Dwyer  
Matthew C. Read  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 14-110
	)	(Air Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**PETITIONER'S AMENDMENT TO ITS WITNESS DISCLOSURE**

NOW COMES Petitioner, KCBX TERMINALS COMPANY, by its attorneys,  
HODGE DWYER & DRIVER, and for its Amendment to its Witness Disclosure, lists the  
following additional witnesses:

Julie K. Armitage  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

Calvin Harris  
Bureau of Land  
Illinois Environmental Protection Agency  
Des Plaines Regional Office  
9511 Harrison Street  
Des Plaines, Illinois 60016

Bill Reiss  
C. Reiss Coal Company  
703 North 8th Street, Suite 301  
Sheboygan, Wisconsin 53081

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

Respectfully submitted,

KCBX TERMINALS COMPANY,  
Petitioner,

Dated: April 15, 2014

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

Katherine D. Hodge  
Edward W. Dwyer  
Matthew C. Read  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

KCBX:004/Fil Permit Appeal/Amended Witness Disclosure - 4.15.2014