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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

June 1, 2016

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



ORIGINAL

HEARING OFFICER ORDER

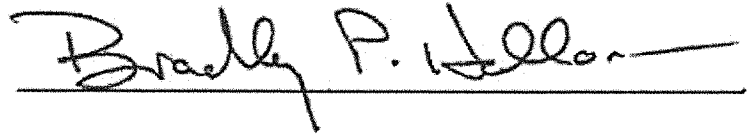
On May 25, 2016, after three days of hearing, the hearing was continued on record until June 23, 2016, at 9:00 a.m. There were numerous objections from Johns Manville (JM) regarding "new opinions" not previously disclosed by Illinois Department of Transportation (IDOT) expert witness, Steven Gobelman.

The parties were directed to brief JM's objections and file them with the Board on or before June 9, 2016. Responses are due to be filed on or before June 14, 2016.

An issue also arose regarding the stipulated exhibits. For instance, in its Pre- Hearing Statement (Statement) filed May 17, 2016, JM stated that the "parties agreed to stipulate to the genuineness and admissibility of certain Exhibits below." Statement at 5. Counsel for IDOT questioned whether since some of the exhibits at issue have not yet been moved into evidence, but have been stipulated to, would IDOT be allowed to cite to them in their post-hearing brief. JM objected, and stated that since the exhibits at issue have not been so moved, IDOT should not be allowed to cite to them.

I directed the parties to discuss the issue further and arrive at a resolution. To date, there has been no indication that the parties have followed my directive. The parties are again directed to discuss a possible resolution to this issue. After discussion, if the issue still remains, the parties may address the stipulated exhibit issue in the respective briefs dealing with JM's objections to "new opinions" which is due to be filed with the Board on or before June 9, 2016. Responses are due to be filed on or before June 14, 2016.

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.

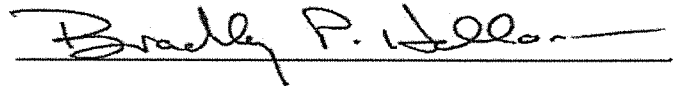
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed and mailed, first class, on June 1, 2016, 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 June 1, 2016:

John T. Therriault
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James R. Thompson Center
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A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a solid horizontal line.

Bradley P. Halloran
Hearing Officer
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