

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter Of:)
)
JOHNS MANVILLE, a Delaware)
corporation,)
)
 Complainant,) **PCB No. 14-3**
)
 v.)
)
ILLINOIS DEPARTMENT OF)
TRANSPORTATION,)
)
 Respondent.)

COMPLAINANT’S EXHIBIT AND WITNESS LISTS

Complainant JOHNS MANVILLE (“JM”) hereby submits the following Exhibit and Witness Lists for the hearing scheduled for March 15-17, 2016.

EXHIBITS

1. Case Pleadings, including Complaints (Group Exhibit)
2. IDOT’s Answers to JM’s Complaint (Group Exhibit)
3. IDOT’s responses to JM’s written discovery requests (Group Exhibit).
4. Depositions taken in the case
5. Letter to Michael Forti from Susan Brice dated July 11, 2013 (JM 0006025-0006026)
6. Expert Report of Douglas G. Dorgan, including figures and appendices dated March 16, 2015
7. Affidavit of Douglas G. Dorgan dated February 15, 2016 attached to JM’s Responses to IDOT’s Motions *in Limine*
8. Expert Rebuttal Report of Steven L. Gobelman with appendices dated May 29, 2015
9. Email from M. Dougherty to S. Gobelman dated May 6, 2015 (IDOT 003178)

10. Email from K. Stoddard to S. Gobelman dated May 29, 2015 and attachments (IDOT 002797-002828)
11. Right of Way Plat (IDOT 002845, IDOT 002854, IDOT 002855)
12. Expert Rebuttal Report of Douglas G. Dorgan with figures dated July 27, 2015
13. Excerpts from IDOT Standard Specification for Road and Bridge Construction dated January 2, 1971 (IDOT 001068-001103, IDOT 002654)
14. Notice to Bidders, Specifications, Proposal Contract and Contract Bond (JM 000604-000683)
15. As Built IDPW Plans for Proposed Federal Aid Highway F.A. Route 437-Section 8-HB& 8-VB Lake County (JM 001132-001235, IDOT 003355-003447)
16. Letter from S. Ziejewski to W.E. Baumann dated September 24, 1970 (IDOT 000261)
17. Letter from H. Bonham to S. Ziejewski dated August 19, and attachments (IDOT 00275-00284)
18. Letter from W. Cellini to E. Bollander dated September 30, 1971 (IDOT 000260)
19. Letter to R. Schmidt to S. Ziejewski dated November 15, 1971 (IDOT 000247-00249)
20. Schedule of Prices (IDOT 000041-000063)
21. Letter to R. Golterman to E. Rosenberg dated December 7, 1971 (IDOT 000217-000218)
22. Letter to G. Moberly to R. Schmidt dated May 25, 1972 (IDOT 000137-000139)
23. Supervisors Engineering Report dated October 17, 1972 (IDOT 000154)
24. Construction Audit [undated] (IDOT 000143-000144)
25. Memo and Authorization for Contract Changes dated October 19, 1972 (IDOT 000294-000300)
26. Authorization for Contract Changes dated November 14, 1973 (IDOT 000318-000319)

27. Explanation for Deviations from Contract (IDOT 000327-000328)
28. Letter to R. Schmidt from S. Ziejewski dated September 30, 1974 (IDOT 000109)
29. Authorization for Contract Changes dated May 5, 1975 (IDOT 000329)
30. Job Completion Notice dated February 18, 1976 (IDOT 000075)
31. Letter to Johns Manville from G. Gianelli and Report from Property Insight dated December 30, 2015 (delivered January 14, 2016) (JM 0006016-0006018)
32. Letter and Resolution re Joint County State Improvement Route 137 dated October 20, 1965 (IDOT 00068-00074)
33. Letter and Resolution re Joint County State Improvement Route 137 dated April 7, 1966 (IDOT 000025-000032)
34. Grant for Public Highway dated August 3, 1971 (IDOT 002808-002814)
35. Grant for Public Highway notarized January 16, 1974 (IDOT 002846-002853)
36. Letter to S. Ziejewski from ComEd dated July 24, 1984 with attachment of Grant for Public Highway (IDOT 001031-001040)
37. Grant for Public Highway notarized April 6, 1984 (IDOT 002799-002807)
38. Photograph of Aerial Photo late 1950s (JM 001296)
39. Aerial Photographs (JM 0005825-0005840)
40. Aerial Photos (IDOT 002632-002653)
41. Aerial Photos (JM 0005963-0005966)
42. Emails between A. Erdmann and S. Gobelman and P. McQuillan dated December 16, 2013 and attached topographic maps (IDOT 003268-003277)
43. ELM Subsurface Characterization Report dated December 1999 (JM 000030-000580)

44. Letter from USEPA to K. Brown of IDOT and 104(e) Request Attachment (IDOT 000378-000391)
45. IDOT Memo from E. Gower to K. Brown dated November 16, 2000 regarding 104(e) Request (IDOT 00393-00398)
46. IDOT 104(e) Response dated November 2000 (JM 000581-000585)
47. IDOT Handwritten Notes (IDOT 00400)
48. Administrative Order on Consent (JM 001248-001282)
49. EE/CA Revision IV and all attachments (JM 001653-002370)
50. EE/CA Modification Letter dated February 1, 2012 (JM 002372-002399)
51. USEPA Enforcement Action Memorandum (JM 002423-002549)
52. Cover Letter and Removal Action Work Plan Revision II dated March 31, 2014 (JM 004655-005767)
53. Cover Letter and Removal Action Work Plan Revisions IV dated February 2016 and comparison with previous RAWP (JM 0006027-0006647)
54. Estimate of Cost and Authority to Work Special Construction Charge and Invoice (JM 0006013-0006015)
55. Email from Tat Ebihara to Doug Dorgan dated March 12, 2015 with attachments (JM 0005942-0005944)
56. Letter from Shannon Flanagan to Doug Dorgan dated March 11, 2015 (JM 0005863-0005873)
57. Letter from Tat Ebihara to B. Tracy, D. Clinton dated January 25, 2016 with attachments (JM 0006019-0006024)

58. Letter from AECOM to M. Ohl dated September 8, 2014 with attachments (JM 005778-005790)
59. Letter from USEPA to AECOM dated September 26, 2014 (JM 005791)
60. Letter to John Van Vranken from LFR with attachments dated July 8, 2008 (JM 001285-001293)
61. Letter from Brent Tracy to USEPA dated July 15, 2008 (JM 001294)
62. Preliminary Environmental Site Assessment (IDOT 003296-003343)
63. JM Response to 104(e) Request (JM 000011-000029)
64. Letter to USEPA dated December 20, 2012 (JM 002550-002566)
65. Illinois Beach State Park Final Report of Findings January 20, 2006 (JM 0005884-0005939)
66. The Illinois Environmental Protection Act and Board regulations
67. Demonstrative Exhibits (including Figure JM 0006648)

WITNESS LIST

Witnesses

1. Douglas G. Dorgan, Jr. - Expert
2. Tat Ebihara - AECOM
3. Denny Clinton – Johns Manville

Potential Witnesses

4. Steven Gobelman – IDOT expert
5. Brent Tracy – Johns Manville (for rebuttal, if necessary, and/or for the admissibility/genuineness of certain records if a stipulation cannot be reached between the parties)

6. V. Gina Giannelli (for the admissibility/genuineness of JM 0006016-0006018 if a stipulation cannot be reached between the parties)

Dated: February 18, 2016

Respectfully submitted,

BRYAN CAVE LLP

Attorneys for Complainant Johns Manville

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on February 18, 2016, I caused to be served a true and correct copy of *Complainant's Exhibit and Witness Lists* upon all parties listed on the Service List by sending the documents via e-mail to all persons listed on the Service List, addressed to each person's e-mail address.

/s/ Susan Brice

Susan Brice

SERVICE LIST

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