

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 FOR ENTRY OF PROPOSED DISCOVERY SCHEDULE AND HEARING LOCATION** and a proposed **DISCOVERY SCHEDULE**, copies of which are herewith served upon you.

Respectfully submitted,

KCBX TERMINALS COMPANY,  
Petitioner,

Dated: March 19, 2014

By:     /s/ Katherine D. Hodge      
Katherine D. Hodge

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, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached PETITIONER'S MOTION FOR ENTRY OF PROPOSED DISCOVERY SCHEDULE AND HEARING LOCATION and proposed DISCOVERY SCHEDULE 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 19, 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

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

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on March 19, 2014.

/s/ Katherine D. Hodge  
Katherine D. Hodge

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**PETITIONER'S MOTION FOR ENTRY  
OF PROPOSED DISCOVERY SCHEDULE AND HEARING LOCATION**

NOW COMES Petitioner, KCBX TERMINALS COMPANY ("KCBX"), a North Dakota corporation, by and through its attorneys, HODGE DWYER & DRIVER, and for its Motion for Entry of Petitioner's Proposed Discovery Schedule, states as follows:

1. On February 21, 2014, KCBX filed with the Illinois Pollution Control Board ("Board") its Petition for Review ("Petition") of the Permit Denial issued to KCBX by the Illinois Environmental Protection Agency ("IEPA") on January 17, 2014, in response to its Request for Revision to Revised Construction Permit. On February 25, 2014, KCBX filed its Motion to Supplement ("Motion").

2. On March 6, 2014, the Board accepted the Petition, but reserved ruling on the Motion.

3. Based on the date KCBX filed its Petition, the current decision deadline in this matter is June 23, 2014.

4. Because KCBX has requested a hearing in this matter and does not intend to extend by waiver the decision deadline of June 23, 2014, KCBX desires that the Hearing Officer proceed to set a schedule to govern the proceedings in this matter.

5. Accordingly, KCBX hereby submits the enclosed Discovery Schedule as its proposal for the Hearing Officer's consideration.

6. Further, pursuant to the discretion vested in the Board under 35 Ill. Admin. Code § 101.600, KCBX requests that the hearing in this matter be held in Springfield, Illinois at the Board's office.

7. The majority of witnesses KCBX expects to call are from the IEPA and are assigned to its office in Springfield, Illinois.

8. The offices of the IEPA and the Board are located in the same building in Springfield, Illinois.

9. Holding the hearing in Springfield, Illinois will minimize the travel cost and expense to the State and be a more efficient use of the State's resources.

WHEREFORE Petitioner, KCBX TERMINALS COMPANY, respectfully prays that the Hearing Officer enter its proposed Discovery Schedule filed herewith and provide it all other relief just and proper in the premises.

Respectfully submitted,

KCBX TERMINALS COMPANY,  
Petitioner,

Dated: March 19, 2014

By: /s/ Katherine D. Hodge  
One of Its Attorneys

Katherine D. Hodge  
Edward W. Dwyer  
Matthew C. Read  
HODGE DWYER & DRIVER  
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KCBX:004/Filings Permit Appeal/Motion for Entry of Proposed Discovery Schedule

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	)	
Respondent.	)	

**DISCOVERY SCHEDULE**

This cause comes before the Hearing Officer on submission by Petitioner of the proposed Discovery Schedule. Having considered the foregoing, and being duly advised, the Hearing Officer now finds that Petitioner's proposed Discovery Schedule should be APPROVED, and accordingly, hereby enters the following Discovery Schedule in this matter:

<b><u>DATES</u></b>	<b><u>TASK</u></b>
March 24, 2014	Petitioner's opinion witness(es) and their opinion(s) disclosed.
March 31, 2014	Respondent's opinion witness(es) and their opinion(s) disclosed.
April 18, 2014	Depositions completed.
April 18, 2014	Close of all discovery.
April 30, 2014, and continuing as necessary	Hearing date.
May 12, 2014	Deadline for post-hearing briefs.
May 15, 2014	Record completed.

Hearing in this matter will be held at the Board's office 1021 North Grand Ave East, Springfield, IL 62794-9274 in Springfield, Illinois, commencing at \_\_\_\_\_ a.m.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hearing Officer

Distribution to: Petitioner; counsel for Respondent