

May 10, 2016

ILLINOIS POLLUTION CONTROL BOARD  
April 28, 2016

RECEIVED  
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MAY 10 2016

STATE OF ILLINOIS  
Pollution Control Board

JOHNS MANVILLE,	)	
	)	
Complainant,	)	
	)	
vs	)	No. PCB 14-3
	)	
ILLINOIS DEPARTMENT OF	)	
TRANSPORTATION,	)	
	)	
Respondent.	)	

REPORT OF THE PROCEEDINGS held in the above entitled cause before Hearing Officer Bradley Halloran, called by the Illinois Pollution Control Board, taken by Steven Brickey, CSR, for the State of Illinois, 100 West Randolph Street, Chicago, Illinois, on the 10th day of May, 2016, commencing at the hour of 9:00 a.m.

L.A. Court Reporters, L.L.C.  
312-419-9292

1    A P P E A R A N C E S :

2            BRYAN CAVE, LLP  
3            BY:  MS. SUSAN E. BRICE  
4                    MS. LAUREN J. CAISMAN  
5            161 North Clark Street  
6            Suite 4300  
7            Chicago, Illinois 60601  
8            (312) 602-5070,  
9            susan.brice@bryancave.com  
10            lauren.caisman@bryancave.com

11                            Appeared on behalf of the Complainant;

12            ILLINOIS ATTORNEY GENERAL'S OFFICE  
13            BY:  MR. EVAN MCGINLEY  
14            69 West Washington Street  
15            Suite 1800  
16            Chicago, Illinois 60602  
17            (312) 814-3153,  
18            emcginley@atg.state.il.us

19                            Appeared on behalf of the Respondent;

20    R E P O R T E D   B Y :

21                    Steven J. Brickey, CSR  
22                    CSR License No. 084-004675

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1 HEARING OFFICER HALLORAN: Hi. Good  
2 morning, everyone. My name is Brad Halloran. I'm  
3 the Hearing Officer with the Illinois Pollution  
4 Control Board and I'm also assigned to this case.  
5 I know it by heart PCB 14-3. Johns Manville,  
6 complainant, versus Illinois Department of  
7 Transportation.

8 If I haven't said so already,  
9 today is May 10th, 2016. It is approximately 9:00  
10 a.m. This matter is regarding a citizen  
11 enforcement. Originally, this hearing was  
12 supposed to be held in Room 9-034 here in the  
13 James Thompson Building, but we moved it up here  
14 to Room 11-512. I had the appropriate signage  
15 down there and I think we have one of our top  
16 clerks Lynn Hedges down there directing anyone who  
17 is going to 9-034 up here at 11-512.

18 On May 12th -- excuse me -- May  
19 2nd, 2016, and because of some outstanding  
20 discovery issues that needed to be resolved, I  
21 granted IDOT's motion to reschedule the hearing to  
22 the extent that we would open the record today May  
23 10th, 2016, and immediately continue it on record  
24 to May 23rd, 2016. The rooms are -- that we have

1 scheduled for May 23rd, 2016, it is Room 9-031.  
2 On May 24th, it's Room 9-034. On May 25th, it's  
3 9-031. I would like the counselors to introduce  
4 themselves, please, for the record.

5 MS. BRICE: Sure. Susan Brice on  
6 behalf of Johns Manville.

7 MS. CAISMAN: Lauren Caisman on  
8 behalf of Johns Manville.

9 MR. MCGINLEY: Evan McGinley,  
10 Attorney General's Office on behalf of IDOT.

11 HEARING OFFICER HALLORAN: All  
12 right. Thank you. Is there anything else that  
13 needs to be addressed before we go off the record?  
14 All right. Thank you. This hearing will be  
15 continued on record to May 23rd, 2016. Have a  
16 great day.

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1 STATE OF ILLINOIS )  
 2 ) SS.  
 3 COUNTY OF COOK )  
 4

5 I, Steven Brickey, Certified Shorthand  
 6 Reporter, do hereby certify that I reported in  
 7 shorthand the proceedings had at the trial  
 8 aforesaid, and that the foregoing is a true,  
 9 complete and correct transcript of the proceedings  
 10 of said trial as appears from my stenographic  
 11 notes so taken and transcribed under my personal  
 12 direction.

13 Witness my official signature in and for  
 14 Cook County, Illinois, on this \_\_\_\_\_ day of  
 15 \_\_\_\_\_, A.D., 2016.  
 16  
 17  
 18

19  
 20 *Steven Brickey*



21 STEVEN BRICKEY, CSR  
 22 8 West Monroe Street  
 23 Suite 2007  
 24 Chicago, Illinois 60603  
 Phone: (312) 419-9292  
 CSR No. 084-004675

<p style="text-align: center;"><b>A</b></p> <p><b>A.D</b> 5:15  <b>a.m</b> 1:15 3:10  <b>addressed</b> 4:13  <b>aforsaid</b> 5:8  <b>Appeared</b> 2:7              2:12  <b>appears</b> 5:10  <b>appropriate</b>              3:14  <b>approximately</b>              3:9  <b>April</b> 1:1  <b>assigned</b> 3:4  <b>Attorney</b> 2:8              4:10</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>behalf</b> 2:7,12              4:6,8,10  <b>Board</b> 1:1,12 3:4  <b>Brad</b> 3:2  <b>Bradley</b> 1:11  <b>Brice</b> 2:2 4:5,5  <b>Brickey</b> 1:12              2:14 5:5,20  <b>BRYAN</b> 2:2  <b>Building</b> 3:13</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>C</b> 2:1  <b>Caisman</b> 2:3 4:7              4:7  <b>called</b> 1:11  <b>case</b> 3:4  <b>cause</b> 1:10  <b>CAVE</b> 2:2  <b>Certified</b> 5:5  <b>certify</b> 5:6  <b>Chicago</b> 1:14              2:4,10 5:22  <b>citizen</b> 3:10  <b>Clark</b> 2:3  <b>clerks</b> 3:16  <b>commencing</b></p>	<p>1:15  <b>complainant</b> 1:4              2:7 3:6  <b>complete</b> 5:9  <b>continue</b> 3:23  <b>continued</b> 4:15  <b>Control</b> 1:1,12              3:4  <b>Cook</b> 5:3,14  <b>correct</b> 5:9  <b>counselors</b> 4:3  <b>County</b> 5:3,14  <b>CSR</b> 1:12 2:14              2:14 5:20,23</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>day</b> 1:14 4:16              5:14  <b>Department</b> 1:6              3:6  <b>directing</b> 3:16  <b>direction</b> 5:12  <b>discovery</b> 3:20</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p><b>E</b> 2:1,1,2  <b>emcginley@at...</b>              2:11  <b>enforcement</b>              3:11  <b>entitled</b> 1:10  <b>Evan</b> 2:8 4:9  <b>excuse</b> 3:18  <b>extent</b> 3:22</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>foregoing</b> 5:8</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>General's</b> 2:8              4:10  <b>go</b> 4:13  <b>going</b> 3:17  <b>Good</b> 3:1  <b>granted</b> 3:21  <b>great</b> 4:16</p>	<p style="text-align: center;"><b>H</b></p> <p><b>Halloran</b> 1:11              3:1,2 4:11  <b>hearing</b> 1:10 3:1              3:3,11,21 4:11              4:14  <b>heart</b> 3:5  <b>Hedges</b> 3:16  <b>held</b> 1:9 3:12  <b>Hi</b> 3:1  <b>hour</b> 1:15</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p><b>IDOT</b> 4:10  <b>IDOT's</b> 3:21  <b>Illinois</b> 1:1,6,11              1:13,14 2:4,8              2:10 3:3,6 5:1              5:14,22  <b>immediately</b>              3:23  <b>introduce</b> 4:3  <b>issues</b> 3:20</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p><b>J</b> 2:3,14  <b>James</b> 3:13  <b>Johns</b> 1:3 3:5              4:6,8</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p><b>know</b> 3:5</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p><b>Lauren</b> 2:3 4:7  <b>lauren.caisma...</b>              2:6  <b>License</b> 2:14  <b>LLP</b> 2:2  <b>Lynn</b> 3:16</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p><b>Manville</b> 1:3 3:5              4:6,8  <b>matter</b> 3:10  <b>McGinley</b> 2:8</p>	<p>4:9,9  <b>Monroe</b> 5:21  <b>morning</b> 3:2  <b>motion</b> 3:21  <b>moved</b> 3:13</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p><b>N</b> 2:1  <b>name</b> 3:2  <b>needed</b> 3:20  <b>needs</b> 4:13  <b>North</b> 2:3  <b>notes</b> 5:11</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p><b>Office</b> 2:8 4:10  <b>Officer</b> 1:10 3:1              3:3 4:11  <b>official</b> 5:13  <b>open</b> 3:22  <b>Originally</b> 3:11  <b>outstanding</b>              3:19</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p><b>P</b> 2:1,1  <b>PCB</b> 1:5 3:5  <b>personal</b> 5:11  <b>Phone</b> 5:22  <b>please</b> 4:4  <b>Pollution</b> 1:1,11              3:3  <b>proceedings</b> 1:9              5:7,9</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p style="text-align: center;"><b>R</b></p> <p><b>R</b> 2:1  <b>Randolph</b> 1:13  <b>record</b> 3:22,23              4:4,13,15  <b>regarding</b> 3:10  <b>REPORT</b> 1:9  <b>reported</b> 2:13              5:6</p>	<p><b>Reporter</b> 5:6  <b>reschedule</b> 3:21  <b>resolved</b> 3:20  <b>Respondent</b> 1:7              2:12  <b>right</b> 4:12,14  <b>Room</b> 3:12,14              4:1,2  <b>rooms</b> 3:24</p> <hr/> <p style="text-align: center;"><b>S</b></p> <p><b>S</b> 2:1  <b>scheduled</b> 4:1  <b>shorthand</b> 5:5,7  <b>signage</b> 3:14  <b>signature</b> 5:13  <b>SS</b> 5:2  <b>State</b> 1:13 5:1  <b>stenographic</b>              5:10  <b>Steven</b> 1:12 2:14              5:5,20  <b>Street</b> 1:13 2:3,9              5:21  <b>Suite</b> 2:4,9 5:21  <b>supposed</b> 3:12  <b>Sure</b> 4:5  <b>Susan</b> 2:2 4:5  <b>susan.brice@...</b>              2:5</p> <hr/> <p style="text-align: center;"><b>T</b></p> <p><b>taken</b> 1:12 5:11  <b>Thank</b> 4:12,14  <b>think</b> 3:15  <b>Thompson</b> 3:13  <b>today</b> 3:9,22  <b>top</b> 3:15  <b>transcribed</b> 5:11  <b>transcript</b> 5:9  <b>Transportation</b>              1:6 3:7  <b>trial</b> 5:7,10  <b>true</b> 5:8</p> <hr/> <p style="text-align: center;"><b>U</b></p>
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