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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TED HARRISON OIL COMPANY,

Petitioner,

vs.

No. PCB 99-127

ILLINOIS ENVIRONMENTAL PROTECTION

AGENCY,

Respondent.

Proceedings held on May 16, 2000, at 9:30 a.m., at the  
Illinois Pollution Control Board, 600 South Second Street, Suite  
403, Springfield, Illinois, before the Honorable Steven C.  
Langhoff, Hearing Officer.

Reported by: Darlene M. Niemeyer, CSR, RPR  
CSR License No.: 084-003677

KEEFE REPORTING COMPANY  
11 North 44th Street  
Belleville, IL 62226  
(618) 277-0190

A P P E A R A N C E S

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No appearance on behalf of the Petitioner.

No appearance on behalf of the Respondent.

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I N D E X

WITNESS PAGE NUMBER  
(No witnesses.)

E X H I B I T S

NUMBER MARKED FOR I.D. ENTERED  
(No exhibits were marked.)

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1 P R O C E E D I N G S

2 (May 16, 2000; 9:30 a.m.)

3 HEARING OFFICER LANGHOFF: Good morning. My name is  
4 Steven Langhoff. I am the Hearing Officer for the Illinois  
5 Pollution Control Board, and will be conducting the hearing today  
6 in PCB 99-127, Ted Harrison Oil Company versus the Illinois  
7 Environmental Protection Agency. It is approximately 9:30 a.m.  
8 on Tuesday, May 16th, 2000. It should be noted that I am not the  
9 Hearing Officer assigned to this matter, but in the interest of  
10 administrative efficiency, I will, as stated, be conducting  
11 today's hearing.

12 This hearing was scheduled in accordance with the Illinois  
13 Environmental Protection Act and the Board's regulations. The  
14 hearing will be conducted pursuant to Sections 103.202 and  
15 103.203 of the Board's rules. I note that no members of the  
16 public are present here today. If, in fact, any interested  
17 citizens were present, they would be given the opportunity to  
18 provide comment at the hearing today. Such citizens would be  
19 sworn in and subject to cross-examination from each party.

20 There are no Board staff members here today, other than  
21 myself. There are no attorneys present here today. There are no  
22 parties here today.

23 A number of preliminary matters must be addressed at this  
24 point. On May 9th, 2000, there was a motion to cancel the

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1 hearing filed by Margretta Harrison. This was not served on the  
2 respondent, but in subsequent status conferences the respondent  
3 has not objected to the cancellation of this hearing. This  
4 motion was filed by the president of Ted Harrison Oil Company.  
5 Mrs. Harrison is not an attorney and is, therefore, not  
6 authorized to the represent the respondent in this matter. Thus,  
7 the motion is not proper and will not be ruled upon.

8 On May 11th, 2000, a motion to withdraw was submitted by  
9 Robert V. Ogren. The respondent's attorney has moved to Texas  
10 and has filed this motion to withdraw. Withdraws are addressed  
11 in Section 101.107 of the Board's procedural rules. 101.107(d)  
12 provides that any attorney who has appeared in a representative  
13 capacity and who wishes to withdraw shall file a notice of  
14 withdraw with the Clerk.

15 Mr. Ogren has attempted to withdraw a number of times,  
16 first orally and then in an unsigned faxed motion to the Hearing  
17 Officer, Mr. John Knittle. The respondent has been aware of Mr.  
18 Ogren's intent to withdraw for a number of weeks. A motion to  
19 withdraw is not necessary under Section 101.107. The  
20 respondent's motion to withdraw will, therefore, be considered as  
21 a notice of withdraw and will be accepted. This will be  
22 reflected in the next Hearing Officer Report summarizing this  
23 hearing.

24 These are the only filings currently pending before the

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1 Board. That brings us to today's hearing. Both the petitioner  
2 and the respondent have expressed an interest in continuing  
3 negotiations in this matter. As stated, the respondent has  
4 indicated that it does not object to a cancellation of this  
5 hearing. In light of the petitioner's expressed interest to  
6 cancel the hearing and the recent withdraw of respondent's  
7 attorney, this hearing will be continued on the record until June  
8 14th, 2000, through June 15th, 2000.

9 This will allow the respondent time in which to obtain an  
10 attorney and decide on a course of action to pursue. The  
11 respondent is directed to obtain an attorney for that time.

12 We will now take a recess until 10:30 a.m. to ensure that  
13 no members of the public appear who wish to provide comment or no  
14 attorneys or parties appear. We will take a recess.

15 (Whereupon a recess was taken from 9:35 a.m. to 10:30 a.m.)

16 HEARING OFFICER LANGHOFF: Okay. We will go back on the  
17 record.

18 Seeing as no members of the public have come in, we are  
19 going to continue this hearing until June 14th, 2000, and June  
20 15th, 2000.

21 (Whereupon, the proceedings concluded at approximately  
22 10:35 a.m.)

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1 STATE OF ILLINOIS )  
 ) SS  
2 COUNTY OF MONTGOMERY)

3 C E R T I F I C A T E

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5 I, DARLENE M. NIEMEYER, a Notary Public in and for the  
6 County of Montgomery, State of Illinois, DO HEREBY CERTIFY that  
7 the foregoing 6 pages comprise a true, complete and correct  
8 transcript of the proceedings held on the 16th of May A.D., 2000,  
9 at the offices of the Illinois Pollution Control Board, Suite  
10 403, Springfield, Illinois, in the case of Ted Harrison Oil  
11 Company v. Illinois Environmental Protection Agency, in  
12 proceedings held before the Honorable Steven C. Langhoff, Hearing  
13 Officer, and recorded in machine shorthand by me.

14 IN WITNESS WHEREOF I have hereunto set my hand and affixed  
15 my Notarial Seal this 17th day of May A.D., 2000.

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Notary Public and  
Certified Shorthand Reporter and  
Registered Professional Reporter

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CSR License No. 084-003677  
21 My Commission Expires: 03-02-2003

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