

ILLINOIS POLLUTION CONTROL BOARD

January 20, 2010

WEEKE OIL COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 10-01
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

HEARING REPORT

On January 20, 2010, a hearing in this matter was held at the Illinois Pollution Control Board in Springfield, Illinois. Attorney Patrick Shaw appeared on behalf of the petitioner. Attorney James Richardson appeared on behalf of the respondent.

Witness Credibility

Three witnesses testified during the hearing:

Mr. Bryan Williams
 Mr. Donald Grammer
 Mr. Trent Bernanti

Based upon my legal judgment, experience, and observations at hearing, I find that the credibility of witness is not an issue in this matter.

Exhibits

Respondent offered Exhibit 1, which is an NFR letter filed with Washington County on September 19, 2006. The letter is not part of the record, but petitioner did not object, and the letter was admitted. Respondent did not offer any other exhibits.

Petitioner offered Exhibits 6 through 12. None of the exhibits were part of the administrative record. Exhibit 10, which is respondent's December 8, 2008 letter to petitioner, was admitted into the record because respondent did not object. The remaining exhibits were not admitted. Exhibits 6 through 9 are enlargements of photographs found in Exhibit 12. Petitioner made offers of proof for Exhibits 11 and 12.

Briefing Schedule

The transcript is due by February 1, 2010. Petitioner's brief is due by 4:30 p.m. on February 22, 2010 and respondent's brief is due by 4:30 p.m. on March 15, 2010. Petitioner's reply is due by 4:30 p.m. April 1, 2010. The mailbox rule will not apply, although the parties may file electronically, or if necessary, by facsimile with originals to follow. The public comment deadline is February 3, 2010.

IT IS SO ORDERED.



Carol Webb
Hearing Officer
Illinois Pollution Control Board
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217/524-8509
webbc@ipcb.state.il.us

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on January 20, 2010, 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 January 20, 2010:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601



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