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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
January 18, 2011

ORIGINAL

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Complainant,)
)
ENVIRONMENTAL LAW AND)
POLICY CENTER, on behalf of PRAIRIE)
RIVERS NETWORK and SIERRA CLUB,)
ILLINOIS CHAPTER,)
)
Intervenor,)
)
v.)
)
FREEMAN UNITED COAL MINING)
CO., LLC, and SPRINGFIELD)
COAL CO., LLC,)
)
Respondents.)

PCB 2010-061
(Enforcement – Water)

ENVIRONMENTAL LAW AND)
POLICY CENTER, on behalf of PRAIRIE)
RIVERS NETWORK and SIERRA CLUB,)
ILLINOIS CHAPTER,)
)
Complainant,)
)
v.)
)
FREEMAN UNITED COAL MINING)
CO., LLC, and SPRINGFIELD)
COAL CO., LLC,)
)
Respondents.)

PCB 2011-002
(Enforcement – Water)
(Consolidated)

HEARING OFFICER ORDER

On January 18, 2011, the parties participated in a telephone status conference with the hearing officer. The People and Springfield Coal Co. had been working with the Illinois Department of Natural Resources (IDNR) to devise a SEP that would provide for respondents to transfer timberland, and for IDNR to preserve it. Due to budgetary constraints, IDNR is unable to fund the preservation. The People are seeking another entity that might be able to preserve the land. The penalty issue is being reconsidered. According to the People's data, the receiving

waters at issue are no longer considered impaired. Environmental Law and Policy Center (ELPC) disputes this assertion.

ELPC is skeptical about the progress of settlement discussions, and may want to set a hearing date soon. In light of the Board order issued on July 15, 2010, ELPC will need to petition the Board to proceed to hearing.

The parties are directed to participate in a telephone status conference with the hearing officer at 2:00 p.m. on February 23, 2011. The People will send an email with a conference call-in number, although it will be the same number used for this call.

IT IS SO ORDERED.



Carol Webb
Hearing Officer
Illinois Pollution Control Board
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on January 18, 2011, 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 18, 2011:

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