

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB No. 10-86
) (Water-Enforcement)
)
ILLINOIS FUEL COMPANY, LLC,)
a Kentucky limited liability company,)
)
Respondent.)

NOTICE OF ELECTRONIC FILING

To: See Attached Service List

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board by electronic filing a STATUS REPORT, a copy of which is attached hereto and herewith served upon you.

LISA MADIGAN
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: /s/ David G. Samuels
DAVID G. SAMUELS
Assistant Attorney General
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Dated: February 8, 2016

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served on the date of February 8, 2016, the attached STATUS REPORT upon the persons listed on the Service List by electronic and First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois by the time of 5:00 PM.

/s/ David G. Samuels
DAVID G. SAMUELS
Assistant Attorney General

Dated: February 8, 2016

SERVICE LIST

Carol Webb (via Electronic Mail)
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62794

Illinois Fuel Company, LLC
c/o CT Corporation System
208 South LaSalle Street, Suite 814
Chicago, Illinois 60604

Illinois Fuel Company, LLC
c/o Stephen Addington
1512 North Big Run Road
Ashland, Kentucky 41102

Cheyenne Resources, Inc. (via Electronic Mail)
c/o Justin L. Leinenweber
Leinenweber Baroni & Daffada LLC
203 N. LaSalle St., Ste. 1620
Chicago, IL 60601

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STATUS REPORT

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by Lisa Madigan, Attorney General of the State of Illinois, and, pursuant to 35 Ill. Adm. Code 101.514, provides a status report detailing the progress of the proceeding. Complainant reports:

1. On November 5, 2015, the Illinois Pollution Control Board (“Board”) granted a request for a stay of this proceeding to allow Complainant time to determine whether any settlement of the issues in this proceeding might be reached with Cheyenne Resources, Inc. (“Cheyenne”), a non-party that has assumed from Respondent the lease on one of the mines at issue in this proceeding.

2. On November 18, 2015, the Illinois Environmental Protection Agency (“Illinois EPA”) determined that it needed more information and time to evaluate the request to transfer Respondent’s National Pollutant Discharge Elimination System (“NPDES”) permit to Cheyenne for the mine Cheyenne assumed from Respondent.

3. On November 30, 2015, representatives from the Illinois Attorney General’s Office, Illinois EPA, and Cheyenne participated in a conference call regarding Illinois EPA’s need for more information and time to evaluate the permit transfer request. It was agreed that

settlement negotiations in this proceeding will be based in part on Illinois EPA's evaluation of compliance at the mine, and therefore, a further stay of the instant proceeding was necessary until Illinois EPA's analysis was complete.

4. On December 3, 2015, Cheyenne provided documentation to aid Illinois EPA's evaluation of the mine, and will provide additional documentation as necessary.

5. On December 7, 2015, the stay of this proceeding expired.

6. On December 8, 2015, Complainant requested a sixty (60)-day extension of the stay.

7. On December 9, 2015, Hearing Officer Carol Webb granted a sixty (60)-day extension to allow Illinois EPA more time to complete its analysis.

8. Although Illinois EPA had hoped to complete its analysis during the stay extension, health issues have delayed a meeting between Illinois EPA and an engineer for Cheyenne to discuss necessary corrective action.

9. A meeting between Illinois EPA and Cheyenne's engineer is expected to be conducted in the near future, and should provide Complainant with sufficient information to determine whether any settlement of the issues in this proceeding might be reached with Cheyenne. Any settlement will incorporate compliance objectives resulting from the meeting.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

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