

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)
)
 SIERRA CLUB, ENVIRONMENTAL)
 LAW AND POLICY CENTER,)
 PRAIRIE RIVERS NETWORK, and)
 CITIZENS AGAINST RUINING THE)
 ENVIRONMENT)
)
 Complainants,)
)
 v.)
)
 MIDWEST GENERATION, LLC,)
)
 Respondent.)

PCB No-2013-015
(Enforcement – Water)

NOTICE OF FILING

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board the attached **COMPLAINANTS' MOTION TO CANCEL AND RESCHEDULE REMEDY HEARING** and **AFFIDAVIT**, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,



Faith E. Bugel
1004 Mohawk
Wilmette, IL 60091
(312) 282-9119
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Attorney for Sierra Club

Dated: December 21, 2022

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
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SIERRA CLUB, ENVIRONMENTAL)	
LAW AND POLICY CENTER,)	
PRAIRIE RIVERS NETWORK, and)	
CITIZENS AGAINST RUINING THE)	
ENVIRONMENT)	
)	PCB No-2013-015
Complainants,)	(Enforcement – Water)
)	
v.)	
)	
MIDWEST GENERATION, LLC,)	
)	
Respondent.)	

**COMPLAINANTS' MOTION TO CANCEL AND
RESCHEDULE REMEDY HEARING**

Pursuant to 35 Ill. Admin. Code 101.510, Complainants move to cancel the remedy hearing scheduled for January 30 through February 10, 2022 in this matter, and reschedule that hearing to a later date. In support of this Motion, Complainants state as follows:

1. The Sierra Club and the Environmental Law and Policy Center, counsel for Complainants, are in the process of shifting the attorneys assigned to this matter due to a variety of unforeseen circumstances. As indicated in the attached affidavit, Faith E. Bugel, attorney for Sierra Club, was on a leave of absence from mid-September through mid- to late- November and has been working in a reduced capacity in December. (*See* Aff. Of Faith E. Bugel). Further, Cantrell Jones, the attorney of record for ELPC has left ELPC and, as of December 20, 2022, a new attorney has not yet appeared for ELPC in this matter. *Id.* Complainants need time to bring new attorneys up to speed on the history and current posture of this now 10-year old case, and as a result, cannot adequately prepare for the hearing scheduled for January 30, 2023

in the time remaining before that date.

2. Complainants and Complainants' counsel commit to being prepared for a hearing as soon as February 27, 2023.

3. Counsel for Respondent has stated that Respondent will be unavailable in March and for the first three weeks of April.

WHEREFORE Complainants respectfully request that the Hearing Officer order that the January 30, 2023 hearing be canceled and rescheduled to a date and time that is agreeable to all parties, the Hearing Officer and the Board.

Dated: December 21, 2022

Respectfully submitted,



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Attorney for CARE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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LAW AND POLICY CENTER,)	
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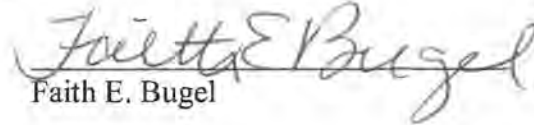
AFFIDAVIT OF FAITH E. BUGEL

1. In mid-September, 2022, I took a leave of absence from my duties as an attorney representing the Sierra Club. I took this leave of absence to care for an ill family member. I remained on leave for approximately two and a half months. Since my return to work, I have been working at a reduced capacity.


2. I have been in communication with counsel for Environmental Law and Policy Center (“ELPC”), one of the Complainants in this matter. Cantrell Jones, attorney-of-record for ELPC, emailed me on November 21, 2022, advising me that he was leaving ELPC and November 23, 2022 would be his last day. Upon information and belief, Mr. Jones did terminate his employment with ELPC and is no longer available to represent ELPC in this proceeding. Upon information and belief, and as of December 20, 2022, a new attorney-of-record has not yet appeared on behalf of ELPC in this matter.

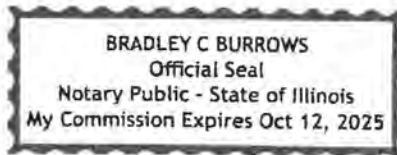
I have personal knowledge of the facts stated herein. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

FURTHER AFFIANT SAYETH NOT.


Faith E. Bugel

Sworn and subscribed before me
this 21 day of December, 2022.

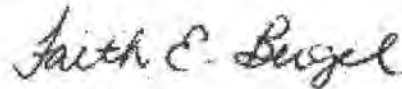

Notary Public



CERTIFICATE OF SERVICE

The undersigned, Faith E. Bugel, an attorney, certifies that I have served electronically upon the Clerk and by email upon the individuals named on the attached Service List a true and correct copy of **COMPLAINANTS' MOTION TO CANCEL AND RESCHEDULE REMEDY HEARING** and **AFFIDAVIT** before 5 p.m. Central Time on December 21, 2022, to the email addresses of the parties on the attached Service List. The entire filing package, including attachments, is 8 pages.

Respectfully submitted,



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PCB 2013-015 SERVICE LIST:

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