

ILLINOIS POLLUTION CONTROL BOARD  
January 5, 2023

SIERRA CLUB, ENVIRONMENTAL LAW )  
AND POLICY CENTER, PRAIRIE RIVERS )  
NETWORK, and CITIZENS AGAINST )  
RUINING THE ENVIRONMENT, )  
)  
Complainants, )  
)  
v. ) PCB 13-15  
) (Citizen’s Enforcement – Water)  
MIDWEST GENERATION, LLC., )  
)  
Respondent. )

**HEARING OFFICER ORDER**

On December 21, 2022, the Sierra Club, Environmental Law & Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment (collectively, the Citizen Groups) filed a motion to cancel and reschedule remedy hearing and affidavit (Mot.). On December 27, 2023, Midwest Generation, LLC., (Midwest Gen), filed its response. (Resp.).

The Citizen Groups, as to and regarding Attorney Faith Bugel for Sierra Club, has been working in a reduced capacity from September through December 2022. Mot. at 1. The Citizen Groups also report that the attorney representing Environmental Law and Policy Center (ELPC) has left ELPC. *Id.* On January 3, 2023, Attorney Albert Ettinger filed his appearance for ELPC. In light of these issues, the Citizen Groups state that they will need time for the new attorney to review the 10-year-old case but that they will be able to reschedule the hearing for late February. *Id.* at 2.

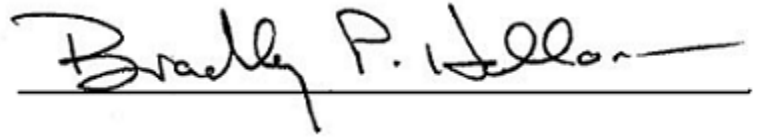
In its response, Midwest Gen states that that it was prepared to commence the hearing on January 5, 2023, 2023, but does not object to the complainants’ motion. Resp.at 1. Respondent states that it will work with the complainants to find alternative dates for the hearing but has conflicts in March and April. *Id.*

I find that the reasoning for the Citizen Groups motion to cancel sound and reasonable, especially where Midwest Gen. does not object.

The Citizen Groups motion is granted.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on January 12, 2023, at 11:00 a.m. (CST). The telephonic status conference must be initiated by the complainants, but each party is nonetheless responsible for its own appearance. At the conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

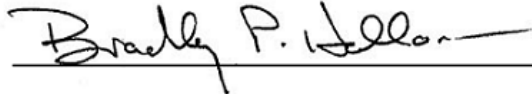
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on January 5, 2023, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on January 5, 2023:

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Illinois Pollution Control Board  
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A handwritten signature in black ink that reads "Bradley P. Halloran" with a horizontal line underneath.

Bradley P. Halloran  
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