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MAY 20 2010

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
May 20, 2010

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 99-134
) (Enforcement - Water)
HERITAGE COAL COMPANY, L.L.C.)
(f/k/a PEABODY COAL COMPANY, L.L.C.),)
)
)
Respondent.)

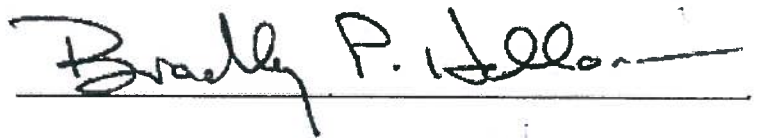
ORIGINAL

HEARING OFFICER ORDER

On May 20, 2010, all parties participated in a telephonic status conference with the hearing officer. The respondent stated that it anticipates that it will file a motion to amend its answer within the next 45 days. The respondent also stated that there appears some dispute regarding discovery. The parties stated that they will meet and discuss any discovery issues prior to the next status conference. If necessary, the respondent may file a motion to compel. Parties to disclose witnesses prior to the next status conference.

The parties are reminded that they are to participate in a telephonic status conference on August 26, 2010, at 11:30 a.m. The telephonic status conference must be initiated by the complainant, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.



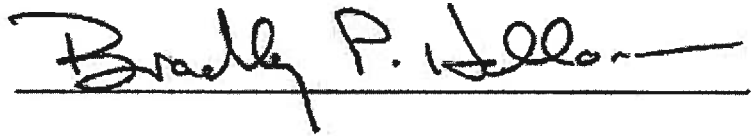
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois, 60601
312.814.8917

CERTIFICATE OF SERVICE

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

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

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.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois

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