

ILLINOIS POLLUTION CONTROL BOARD
June 20, 2013

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JUN 20 2013

STATE OF ILLINOIS
Pollution Control Board

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.)

 ORIGINAL

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 June 11, 2013, respondents filed a second motion for extension of time to respond to the April 23, 2013 discovery requests from the Environmental Law and Policy Center (ELPC). The motion asserts that respondents hope to avoid spending time and resources responding to discovery if this case can be settled, and the additional 30 day extension would enable the parties to focus on settlement negotiations.

On June 19, 2013, ELPC and the People filed responses to the motion. The People's response was neutral on the motion for extension of time, but explained that settlement negotiations are at an impasse. The People are prepared to go to hearing on August 20, 2013, and the discovery responses do not affect their case.

ELPC objects to the motion for extension of time, arguing that it needs the discovery responses to prepare for hearing. ELPC agrees with the People that settlement appears unlikely before the August 20, 2013 hearing.

Respondents do not assert that they are unable to respond to discovery, only that it would be an unneeded expense while settlement negotiations are pending. However, ELPC and the People agree that settlement is unlikely to occur before August 20, 2013. Additionally, the extension of time may prejudice ELPC's ability to adequately prepare for hearing. Accordingly, the motion for a second extension of time is denied.

The parties are reminded to participate in a telephone status conference with the hearing officer at 10:00 a.m. on June 25, 2013. The People will send an email with a conference call-in number.

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 June 20, 2013, 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 June 20, 2013:

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