

ILLINOIS POLLUTION CONTROL BOARD  
February 1, 2016

**RECEIVED**  
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STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 99-134  
) (Enforcement - Water)  
VIRGINIA CONSERVATION LEGACY )  
FUND, INC., )  
)  
)  
)  
Respondent. )

 ORIGINAL

**HEARING OFFICER ORDER**

On February 1, 2016, all parties participated in a telephonic status conference with the hearing officer. Discussions centered on respondent's December 17, 2015 filing of a Joint Motion For Substitution Of Party Respondent (Mot.). At the last telephonic status conference, it was noted that the motion requests that Heritage Coal Company, LLC. (HCC), be dismissed, not merely substituted. Complainant has since re-reviewed the motion and continues to agree that respondent HCC should be dismissed from this enforcement matter and substitute Virginia Conservation Legacy Fund, Inc. (VCLF) as party respondent.

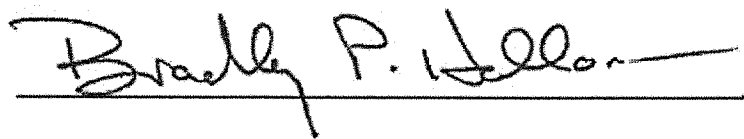
The motion states that as part of a reorganization plan, the Bankruptcy Court "approved and effectuated the transfer from HCC to VCLF all assets necessary for VCLF to assume full responsibility for the management of environmental conditions at the Eagle No. 2 Mine, including the substitution of VCLF for HCC as the Respondent in this matter." Mot. at 2.

The joint motion is granted and the above caption reflects the caption to be used in any future filings.

The parties stated that a stipulation and proposal for settlement (stipulation) is being circulated for review and signatures.

The parties or their legal representatives are directed to appear at a telephonic status conference with the hearing officer on February 25, 2016, at 2:00 p.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. If, however, a stipulation is filed prior to the next status conference, the conference will be cancelled without further notice.

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.

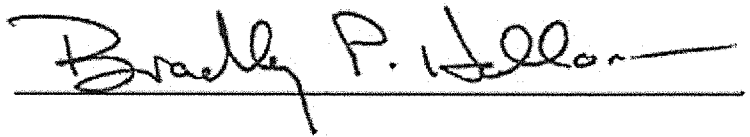
Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, Illinois, 60601  
312.814.8917  
[Brad.Halloran@illinois.gov](mailto:Brad.Halloran@illinois.gov)

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing hearing officer order were mailed, first class, on February 1, 2016, 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 February 1, 2016:

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, reading "Bradley P. Halloran", is written over a horizontal line. The signature is cursive and includes a long horizontal stroke at the end.

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

PCB 1999-134  
Amanda Kimmel  
Office of the Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, IL 62706

PCB 1999-134  
Jane E. McBride  
Office of the Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, IL 62706

PCB 1999-134  
W.C. Blanton  
Husch Blackwell LLP  
4801 Main Street  
Suite 1000  
Kansas City, MO 64112

PCB 1999-134  
Stephen F. Hedinger  
Sorling, Northrup, Hanna, etal.  
1 North Old State Capitol Plaza  
Suite 200, P. O. Box 5131  
Springfield, IL 62705