

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BFI WASTE SYSTEMS)	
OF NORTH AMERICA, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB No. 24-29
)	
ILLINOIS ENVIRONMENTAL)	(Permit Appeal -RCRA)
PROTECTION AGENCY,)	
)	
Respondent.)	

AGREED MOTION TO AMEND BRIEFING SCHEDULE

NOW COMES Petitioner, BFI WASTE SYSTEMS OF NORTH AMERICA, LLC (“BFI”), by and through its attorney, Scott B. Sievers of Brown, Hay + Stephens, LLP, and, pursuant to 35 Ill. Adm. Code 101.522, moves the honorable Hearing Officer to amend the briefing schedule to extend the deadlines for filing motions for summary judgment and responses to said motions by fourteen (14) days. In support, Petitioner states the following:

1. On December 11, 2025, the Hearing Officer entered an Order memorializing the agreement of the parties on a briefing schedule for their respective cross motions for summary judgment. The parties agreed that their initial motions would be filed by January 30, 2026. The parties further agreed that responses to those motions would be due by March 3, 2026, with the deadline for replies, if needed, to be discussed at the March 9, 2026, status conference.

2. Good cause exists to amend the summary judgment briefing schedule. While counsel for Petitioner BFI has been researching and drafting his client’s summary judgment motion, the demands of other assignments have prevented him from timely completing it. Those demands have included conferring with clients to draft letters to the

City of Springfield and Sangamon County to negotiate new landfill agreements; drafting an appellees' brief in *Barghouti v. Hansen et al.* (7th Cir. 24-2610) filed December 17, 2025; responding to requests for the production of documents in *Whiteside v. Trusewych* (C.D. Ill. 24-3218) on December 19, 2025; drafting an answer to a petition for leave to appeal before the Supreme Court of Illinois in *Henson Disposal, LLC v. Pollution Control Board et al.* (No. 132529) filed December 30, 2025; preparing for and taking the plaintiff's deposition in person at Lawrence Correctional Center in *Miller v. Trusewych* (C.D. Ill. No. 24-cv-3149-CBS) on January 6, 2026; drafting a motion to stay the effectiveness of provisions of a permit appealed to the Pollution Control Board in *BFI Waste Systems of North America, LLC v. Illinois EPA* (PCB No. 2026-030) filed January 7, 2026; preparing for and taking the plaintiff's deposition in person at Menard Correctional Center in *Whiteside v. Trusewych* (C.D. Ill. No. 24-cv-3218) on January 8, 2026; drafting a reply to a response to a summary judgment motion in *Kellum v. Jeffreys et al.* (23-cv-1198) filed January 12, 2026; drafting a reply to a response to a summary judgment motion in *Roohani v. Adams et al.* (C.D. Ill. 22-cv-3132) filed January 14, 2026; and drafting and serving discovery requests and responses in *In The Matter of: Illinois Department of Corrections v. Griffith* (Civil Service Comm'n No. DA-40-26) on January 20, 2026, among other assignments. Accordingly, Petitioner BFI moves the Hearing Officer to amend the summary judgment briefing schedule to extend both the motion and response deadlines by fourteen (14) days, with summary judgment motions due February 13, 2026; responses to summary judgment motions due March 17, 2026; and with the deadline for replies, if needed, to be discussed at a subsequent status conference.

3. This motion is made in good faith and not for the purpose of undue delay.

4. Counsel for Petitioner BFI has conferred with counsel for Respondent, Illinois Environmental Protection Agency (“Illinois EPA”), and Respondent Illinois EPA agrees to this motion.

WHEREFORE, for the above reasons, Petitioner, BFI WASTE SYSTEMS OF NORTH AMERICA, LLC, moves the honorable Hearing Officer to amend the summary judgment briefing schedule to extend both the motion and response deadlines by fourteen (14) days, with summary judgment motions due February 13, 2026; responses to summary judgment motions due March 17, 2026; and with the deadline for replies, if needed, to be discussed at a subsequent status conference, and for such other and further relief as deemed appropriate.

DATED: January 27, 2026

Scott B. Sievers
Ill. Atty. Reg. No. 6275924
Brown, Hay + Stephens, LLP
P.O. Box 2459
205 S. Fifth Street
Springfield, Illinois 62705
(217) 544-8491 (telephone)
(217) 544-9609 (facsimile)
ssievers@bhslaw.com

Respectfully submitted,

BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC,

Petitioner.

BY: s/Scott B. Sievers
Scott B. Sievers
Attorney for Petitioner

BFI Waste Systems of North America, LLC v. Illinois EPA
Pollution Control Board No. 24-29

CERTIFICATE OF SERVICE

Scott B. Sievers of the law firm of Brown, Hay + Stephens, LLP herein certifies that on January 27, 2026, from Springfield, Illinois, he electronically submitted for filing the foregoing **AGREED MOTION TO AMEND BRIEFING SCHEDULE** with the Pollution Control Board by using the Clerk's Office On-Line (COOL) eFile system. Scott B. Sievers further certifies that on January 27, 2026, he served the other parties in this case with a copy of the foregoing document by transmitting the document by e-mail to the parties' representatives, who are identified below, at their designated e-mail addresses of record:

Senior Assistant Attorney General Christopher J. Grant
Christopher.Grant@ilag.gov
Assistant Attorney General Taylor Desgrosseilliers
t.desgrosseilliers@ilag.gov
Assistant Attorney General Justin Bertsche
justin.bertsche@ilag.gov
Assistant Attorney General Kevin J. Garstka
kevin.garstka@ilag.gov
Environmental Bureau
Office of the Illinois Attorney General
69 W. Washington Street, 18th Floor
Chicago, IL 60602
maria.caccio@ilag.gov

VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters herein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Scott B. Sievers
Ill. Atty. Reg. No. 6275924
Brown, Hay + Stephens, LLP
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(217) 544-9609 (facsimile)
ssievers@bhslaw.com

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BY: s/Scott B. Sievers
Scott B. Sievers
Attorney for Petitioner