

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.)	

THIRD MOTION TO AMEND
SUMMARY JUDGMENT 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. In support, Petitioner states the following:

1. On February 13, 2026, Petitioner filed its Second Motion to Amend Summary Judgment Briefing Schedule, to which Respondent had no objection. On February 17, 2026, the Hearing Officer granted said motion and amended the briefing schedule to provide that motions for summary judgment were due February 20, 2026, and response were due March 24, 2026, with replies, if needed, to be addressed at a subsequent status conference. (Hearing Officer Order of Feb. 17, 2026).

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 need to confer with his client on the draft, coupled with the demands of other assignments, have prevented him from timely completing it. Those demands have

included preparing for and taking the plaintiff's deposition in *Williams v. Wexford Health Sources, Inc.* (C.D. Ill. 23-cv-01284) on behalf of nine (9) medical defendants on February 20, 2026; preparing for status conferences in *In The Matter of: IDOC v. Griffith* (Civil Service Comm' No. DA-40-26) and *Whiteside v. Trusewych* (C.D. Ill. 24-cv-03218) on February 23, 2026; and researching and drafting a summary judgment reply in *Montanez v. Hansen et al.* (C.D. Ill. 22-cv-1177) due February 24, 2026. In addition, on February 13, 2026, one of the undersigned's trusted environmental law colleagues, Associate Attorney Claire Meyer, left the firm for a position with a client. Accordingly, Petitioner BFI moves the Hearing Officer to amend the summary judgment briefing schedule to extend both the motion and response deadlines, with summary judgment motions due February 27, 2026; responses to summary judgment motions due March 30, 2026; and with the deadline for replies, if needed, to be discussed at a subsequent status conference.

3. The undersigned does not anticipate the need for any further extensions of the summary judgment motion deadline.

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

5. Counsel for Petitioner BFI has conferred with counsel for Respondent, Illinois Environmental Protection Agency ("Illinois EPA"), and Respondent Illinois EPA has no objection 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, with summary judgment motions due February 27, 2026; responses to summary judgment motions due March 30, 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: February 19, 2026

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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 February 19, 2026, from Springfield, Illinois, he electronically submitted for filing the foregoing **THIRD MOTION TO AMEND SUMMARY JUDGMENT 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 February 19, 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:

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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.

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