

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.)	

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 19, 2026, Petitioner filed its Third Motion to Amend Summary Judgment Briefing Schedule, to which Respondent had no objection. On February 19, 2026, the Hearing Officer granted said motion and amended the briefing schedule to provide that motions for summary judgment were due February 27, 2026, and response were due March 30, 2026, with replies, if needed, to be addressed at a subsequent status conference. (Hearing Officer Order of Feb. 19, 2026).

2. Good cause exists to amend the summary judgment briefing schedule. While counsel for Petitioner BFI is able to complete his client’s summary judgment motion in time for the existing filing deadline, additional time is needed to confer with his client on the draft to obtain approval to file it. The undersigned has been unable to complete the

draft and obtain his clients approval in sufficient time to meet the existing filing deadline due to the demands of other matters, including researching and drafting a 60-page summary judgment reply in *Montanez v. Hansen et al.* (C.D. Ill. 22-cv-1177) filed at 11:28 p.m. on Wednesday, February 24, 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, with summary judgment motions due March 3, 2026; responses to summary judgment motions due April 3, 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 March 3, 2026; responses to summary judgment motions due April 3, 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 27, 2026

Respectfully submitted,

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

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 27, 2026, from Springfield, Illinois, he electronically submitted for filing the foregoing **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 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.

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Ill. Atty. Reg. No. 6275924
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Attorney for Petitioner