## ILLINOIS POLLUTION CONTROL BOARD May 3, 2007

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 99-134
PEABODY COAL COMPANY, LLC, a	)	(Enforcement – Water)
Delaware corporation,	)	
Respondent.	)	

## ORDER OF THE BOARD (by N.J. Melas):

Today's order addresses a motion to lift stay, filed April 11, 2007, by the Office of the Attorney General, on behalf of the People of the State of Illinois (People). On September 11, 2003, the People and Peabody Coal Company, LLC (Peabody) jointly moved the Board to stay these proceedings through December 1, 2003. In granting the motion, the Board stated that the stay "also serves to delay the hearing officer's ruling on complainant's fully-briefed June 6, 2003 motion for protective order concerning a supplemental filing."

The People state that the unresolved motion for protective order prevents an agreement on outstanding discovery issues. The People request, therefore, that the Board lift the September 18, 2003 stay so the hearing officer may rule on the People's motion for protective order. To date, Peabody has not responded to the People's April 11, 2007 motion.

The Board notes that, per the Board's September 18, 2003 order, the stay, also having the effect of delaying the hearing officer's ruling on the motion for protective order, dissolved on December 1, 2003. Accordingly, the stay no longer exists and Board denies the People's motion as moot.

Also in the April 11, 2007 motion to lift stay, the People renewed the June 6, 2003 motion for protective order by requesting that the hearing officer grant the motion. The Board finds that at this time nothing bars the hearing officer from ruling on that motion.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 3, 2007 by a vote of 4-0.

John T. Therriault, Assistant Clerk Illinois Pollution Control Board

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