

RECEIVED
CLERK'S OFFICE

AUG 27 2010

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
August 27, 2010

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 99-134
)	(Enforcement - Water)
HERITAGE COAL COMPANY, L.L.C.)	
(f/k/a PEABODY COAL COMPANY, L.L.C.),)	
)	
)	
Respondent.)	

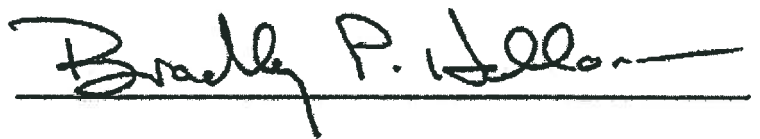
ORIGINAL

HEARING OFFICER ORDER

On August 26, 2010, all parties participated in a telephonic status conference with the hearing officer. The respondent stated that it will file a motion for summary judgment regarding Part 620 of the Ill. Adm. Code in an effort to streamline these proceedings. Respondent's motion for summary judgment is due to be filed on or before November 1, 2010. Complainant's response is due to be filed on or before December 1, 2010. Respondent's reply, if any, is due to be filed on or before December 22, 2010. The parties continue to discuss discovery.

The parties are reminded that they are to participate in a telephonic status conference on November 10, 2010, at 10:30 a.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.

IT IS SO ORDERED.



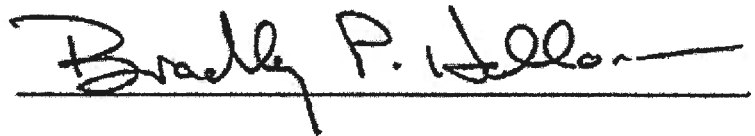
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois, 60601
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing hearing officer order were mailed, first class, on August 27, 2010, 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 on August 27, 2010:

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 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
100 W. Randolph Street, Suite 11-500
Chicago, Illinois

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

PCB 1999-134
Michael D. Mankowski
Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, IL 62706

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

PCB 1999-134
Stephen F. Hedinger
Sorling, Northrup, Hanna, etal.
Suite 800 Illinois Building
P. O. Box 5131
Springfield, IL 62705

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