

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

PRAIRIE RIVERS NETWORK,)
 by and for its members,)
 SIERRA CLUB, ILLINOIS)
 CHAPTER, by and for its members)
)
)
 Complainant,)
)
 v.)
)
 FREEMAN UNITED COAL)
 MINING CO., L.L.C., and)
 SPRINGFIELD COAL CO., L.L.C.)
)
 Respondents.)

PCB 2010-061
(Enforcement-Water)

NOTICE OF ELECTRONIC FILING

To: Attached Service List

PLEASE TAKE NOTICE that on June 19, 2013, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, Sierra Club's and Prairie Rivers Network's **RESPONSE TO RESPONDENTS' SECOND REQUEST FOR EXTENSION OF TIME**, a copy of which is attached hereto and herewith served upon you.

Respectfully Submitted,



Jessica Dexter
 Environmental Law and Policy Center
 35 East Wacker Drive, Ste. 1600
 Chicago, IL 60601
 312-795-3747

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

PRAIRIE RIVERS NETWORK,)
 by and for its members,)
 SIERRA CLUB, ILLINOIS)
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 SPRINGFIELD COAL CO., L.L.C.)
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 Respondents.)

PCB 2010-061
(Enforcement-Water)

PRAIRIE RIVERS NETWORK AND SIERRA CLUB’S RESPONSE TO RESPONDENTS’
SECOND REQUEST FOR EXTENSION OF TIME

Prairie Rivers Network and Sierra Club (collectively, “Intervenors”) hereby respond to Springfield Coal Co. LLC (Springfield Coal) and Freeman United Coal Mining Co. LLC (Freeman)’s (collectively, “Respondents”) second request for extension of time to respond to Intervenors’ discovery requests. Intervenors ask that the Hearing Officer deny the request for extension of time because Respondents have not shown good cause, as stated below.

1. On April 23, 2013, Intervenors submitted discovery requests to each of the Respondents.
2. Under Illinois Supreme Court Rules 213 and 214 Respondents were originally required to submit answers to the discovery requests within 28 days of the request, or on Tuesday, May 21, 2013.
3. On or about May 9, 2013, Respondents filed a Motion for Extension of Time to respond to the discovery requests, arguing in part that “additional time is necessary to respond to Intervenors’ discovery requests.”
4. On May 13, 2013, the Hearing Officer allowed an extension of time to respond to the discovery requests to June 20, 2013.
5. Counsel for Intervenors, Jessica Dexter, was on vacation when, on June 4, 2013, counsel for Springfield Coal, Dale Guariglia, left a voicemail message.

6. To date, Respondents have not approached Intervenors to discuss a potential settlement of the penalty issues in this case.
7. On or about June 11, 2013, Respondents filed their Second Motion for Extension of Time to respond to the discovery request.
8. Respondents have not alleged that the extension of time is necessary to allow Respondents to answer the discovery requests, only that they would prefer not to respond at this time.
9. An additional month of delay in responding to Intervenors' discovery requests will prejudice Intervenors' ability to prepare for the August 20, 2013 penalty hearing. If the request is granted Intervenors will have less than one month to analyze information that Respondents will have taken around three months to gather.
10. Despite Intervenors' desire for an efficient resolution of this case, Intervenors believe that the prospect of reaching a settlement in this case is very unlikely.

Accordingly, Intervenors respectfully request that the Hearing Officer deny Respondents' second request for an extension of time to respond to Intervenors' discovery requests and direct Respondents to respond to the requests as soon as possible.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I, Jessica Dexter, hereby certify that I have filed the attached RESPONSE TO RESPONDENTS' SECOND REQUEST FOR EXTENSION OF TIME in PCB 2010-061 upon the below service list by depositing said documents in the United States Mail, postage prepaid, in Chicago, Illinois on June 19, 2013.

Respectfully submitted,



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