

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SIERRA CLUB,)	
)	
Complainant,)	PCB 2014-134
)	
v.)	(Enforcement-Air)
)	
AMEREN ENERGY MEDINA VALLEY)	
COGEN, LLC)	
)	
and)	
)	
FUTUREGEN INDUSTRIAL ALLIANCE INC.,)	
)	
Respondents.)	

**JOINT MOTION TO STAY PROCEEDINGS AND INCORPORATED MEMORANDUM
IN SUPPORT (DIRECTED TO BOARD)**

Sierra Club (“Complainant”), and Ameren Energy Medina Valley Cogen, LLC and FutureGen Industrial Alliance, Inc. (“FutureGen”) (collectively, “Respondents”) bring this Joint Motion to Stay Proceedings pursuant to Illinois Admin. Code 101.514, to allow the Parties to engage in settlement negotiations prior to the Board’s further consideration of Pending Motions in this case.

PROCEDURAL BACKGROUND

1. Pending before the Board are the Respondents’ Motion for Summary Judgment and Motion to Expedite as well as various Sierra Club Memoranda in Opposition, Motions to Strike and Continuance (“Pending Motions”).¹

¹ Pending motions include the following, along with the Parties’s related responses and replies thereto: (1) Respondents’ Motion for Summary Judgment dated July 15, 2014; (2) Respondents Motion to Expedite proceedings dated July 16, 2014; (3) Complainant’s Motion for Continuance dated August 25, 2014; (4) Complainant’s Motion to Strike dated August 25, 2014; and (5) Respondents Motion for Leave to Reply dated September 8, 2014.

2. Sierra Club anticipates filing a Motion for Hearing pertaining to the aforementioned motions and a response to Respondents' Motion for Leave to File Reply, in accordance with applicable Board rules and deadlines (the "Prospective Motions").

REQUEST FOR LIMITED STAY

3. The Parties request a limited stay up and through **October 3, 2014** in order to pursue settlement negotiations. The Parties are cognizant of the significant Board resources necessary to resolve this case, including the Pending Motions. A negotiated resolution, if achievable, will preserve Board resources.

4. The Parties further request a status conference with the Hearing Officer on **October 3, 2014**.

5. The requested stay is not intended to prohibit or prejudice Sierra Club's right to file the Prospective Motions in accordance with applicable Board rules and deadlines during pendency of the stay. In the event such motions are filed, Defendants request the applicable time to respond be suspended during the requested stay period.

CONCLUSION

6. For the reasons set forth herein, the Parties respectfully request that this Board grant their Motion to Stay Proceedings until October 3, 2014 and order the Parties to appear at a telephonic status conference with the hearing officer on the same day.

Respectfully submitted this 12th day of September, 2014.

/s/ Dale N. Johnson

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NOTICE OF FILING

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PLEASE TAKE NOTICE that we have today e-filed with the Office of the Clerk of the Pollution Control Board: JOINT MOTION TO STAY PROCEEDINGS, a copy of which is herewith served upon you.

DATED this 12th day of September, 2014.

/s/ Eric Schwing

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CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached JOINT MOTION TO STAY PROCEEDINGS; and this CERTIFICATE OF SERVICE by FedEx and e-mail upon the following persons:

VIA FEDEX AND E-MAIL:

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DATED this 12th day of September, 2014.

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