

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

---

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
<b>vs.</b>	)	<b>PCB No. 99-134</b>
	)	
<b>HERITAGE COAL COMPANY LLC,</b>	)	
	)	
<b>Respondent.</b>	)	

---

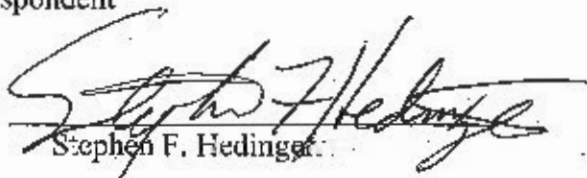
**NOTICE OF ELECTRONIC FILING**

PLEASE TAKE NOTICE that on September 24, 2014, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 West Randolph St., Suite 11-500, Chicago, IL 60601, the Parties' Status Report, a copy of which is attached hereto and herewith served upon you.

Dated: September 24, 2014

Respectfully submitted,

HERITAGE COAL COMPANY LLC,  
Respondent

By:   
Stephen F. Hedinger

Sorling Northrup  
Stephen F. Hedinger, of Counsel  
1 North Old State Capitol Plaza, Suite 200  
P.O. Box 5131  
Springfield, IL 62705  
Telephone: 217-544-1144  
Fax: 217-522-3173  
E-mail: sfhedinger@sorlinglaw.com

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

---

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
vs.	)	<b>PCB No. 99-134</b>
	)	
<b>HERITAGE COAL COMPANY LLC,</b>	)	
	)	
<b>Respondent.</b>	)	

---

**PARTIES' STATUS REPORT**

---

NOW COMES Respondent, HERITAGE COAL COMPANY LLC, through its attorneys, and on its own behalf and on behalf of Petitioner, PEOPLE OF THE STATE OF ILLINOIS, and in compliance with Hearing Officer Order of September 10, 2014, hereby provides this report of the status of this matter for the time period of May, 2014 to the present.

1. In July 2012 Respondent HERITAGE COAL COMPANY LLC filed a petition pursuant to Chapter 13 of the United States Bankruptcy Code for reorganization, and the automatic stay of pending litigation that arises as a result of such proceedings required that this enforcement action be stayed while that petition was pending.

2. In January 2014, upon approval of the reorganization plan in the bankruptcy proceedings, the automatic stay was lifted, and accordingly the parties in this case notified the Hearing Officer of the resumption of active prosecution of this matter.

3. Shortly after reopening this case, Petitioner required a change of counsel. Due to a number of circumstances, including the need for the new counsel to fully absorb the status of this action, the parties were unable to take any substantive steps toward continuation of this matter until subsequent to April of 2014.

4. At the time that Petitioner determined that it was satisfactorily prepared to proceed with this case, the parties conferred and agreed that a meeting would be appropriate to discuss issues relating to resumption of the litigation, and issues relating to the potential for resolving this matter. As reflected in the Hearing Officer's June 26, 2014 order in this matter, the parties began the process of conferring and sharing information to identify and address remaining issues.

5. The parties have conferred both telephonically and through written materials on numerous occasions since May 2014, to discuss the resolution of this action. The parties' communications in this regard are ongoing, and additional conferences and meetings are being planned for the near future.

6. In addition, the parties have addressed a pending issue relating to renewal of the NPDES permit for the facility in question.

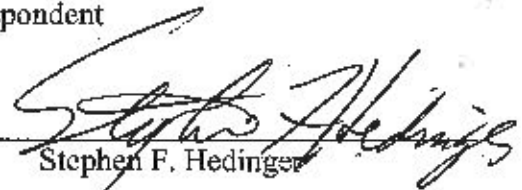
7. This status report was drafted and is being submitted by counsel for Respondent; however, counsel for Petitioner has reviewed and approved of its contents and substance. Accordingly, the parties consider this to be a jointly-submitted report.

WHEREFORE, Respondent, Heritage Coal Company LLC, on its own behalf and on behalf of Petitioner, provides the above status report in compliance with the Hearing Officer's September 10, 2014 Order.

Dated: September 24, 2014

Respectfully submitted,

HERITAGE COAL COMPANY LLC,  
Respondent

By:   
Stephen F. Hedinger

Sorling Northrup  
Stephen F. Hedinger, of Counsel  
1 North Old State Capitol Plaza, Suite 200  
P.O. Box 5131  
Springfield, IL 62705  
Telephone: 217-544-1144  
Fax: 217-522-3173  
E-mail: [sfhedinger@sorlinglaw.com](mailto:sfhedinger@sorlinglaw.com)

CERTIFICATE OF SERVICE

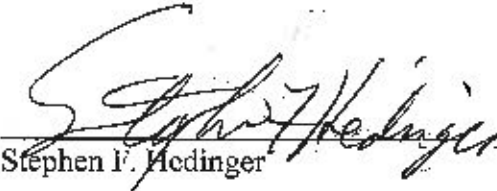
I, the undersigned, an attorney, certify that I have served a copy of the foregoing Notice of Electronic Filing upon:

Bradley Halloran, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Suite 11-500  
Chicago, IL 60601  
halloranb@ipcb.state.il.us

Jane McBride  
Amanda Kimmel  
Office of the Illinois Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, IL 62701  
jmcbride@atg.state.il.us  
akimmel@atg.state.il.us

W.C. Blanton  
Husch Blackwell LLP  
4801 Main Street  
Suite 1000  
Kansas City, MO 64112  
wdblanton@huschblackwell.com

by depositing same in the U.S. Mail, first class, postage prepaid, on this 24<sup>th</sup> day of September, 2014.

  
Stephen F. Hodinger

Sorling Northrup  
Stephen F. Hodinger, of Counsel  
1 North Old State Capitol Plaza, Suite 200  
P.O. Box 5131  
Springfield, IL 62705  
Telephone: 217-544-1144  
Fax: 217-522-3173  
E-mail: sfhodinger@sorlinglaw.com