

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

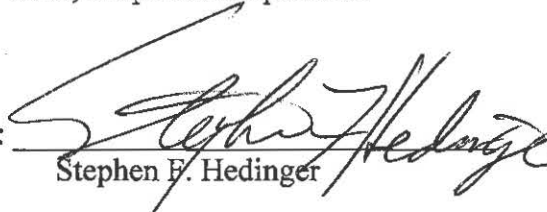
NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that on December 17, 2015, 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, a Joint Motion for Substitution of Party Respondent, a copy of which is attached hereto and herewith served upon you.

Dated: December 17, 2015

Respectfully submitted,

VIRGINIA CONSERVATION LEGACY FUND,
INC., Proposed Respondent

By: 
Stephen F. Hedinger

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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, certify that I have served a copy of the foregoing Notice of Electronic Filing, and Joint Motion for Substitution of Party Respondent upon:

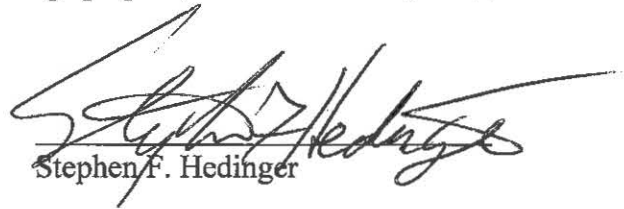
Bradley Halloran, Hearing Officer
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by depositing same in the U.S. Mail, first class, postage prepaid, on December 17, 2015.



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**JOINT MOTION FOR SUBSTITUTION OF
PARTY RESPONDENT**

THE PARTIES, Complainant, PEOPLE OF THE STATE OF ILLINOIS, Respondent, HERITAGE COAL COMPANY LLC ("HCC"), and proposed substitute Respondent, VIRGINIA CONSERVATION LEGACY FUND, INC. ("VCLF"), move this Board to allow substitution of VCLF as the party Respondent, in place of HCC. In support of this motion, the Parties state as follows:

1. The original complaint in this matter was filed on March 25, 1999, identifying Peabody Coal Company ("Peabody Coal"), a Delaware corporation, as the party Respondent, and alleging certain violations of environmental laws and regulations at a facility known as the Eagle No. 2 Mine.
2. On June 11, 2005, Peabody Coal was converted from a corporation to a Delaware limited liability company, Peabody Coal Company, LLC.
3. On May 12, 2008, Peabody Coal filed with this Board a Notice of Name Change, notifying the Board that its name had changed from Peabody Coal Company, LLC to Heritage Coal Company, LLC.

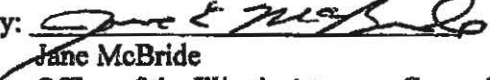
4. On May 12, 2015, HCC, along with its parent and sister corporations, filed for reorganization under Chapter 11 of the United States Bankruptcy Code, *In re: Patriot Coal Corporation, et al.*, Case No. 15-32450, U.S. Bankruptcy Court, Eastern District of Virginia.

5. On October 26, 2015, the U.S. Bankruptcy Court for the Eastern District of Virginia entered an order confirming the joint plan of reorganization (the "Reorganization Plan") under Chapter 11 of the Bankruptcy Act in Case No. 15-32450. Among other things, that order approved and effectuated the transfer from HCC to VCLF all assets necessary for VCLF to assume full responsibility for the management of environmental conditions at the Eagle No. 2 Mine, including the substitution of VCLF for HCC as the Respondent in this matter.

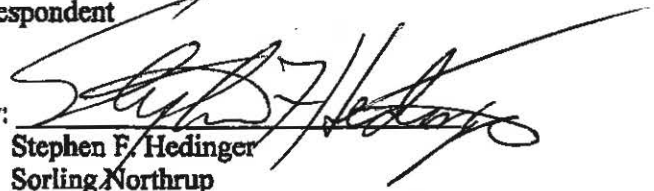
6. Complainant, People of the State of Illinois, participated in the adoption of the Reorganization Plan, and acknowledges that pursuant to its terms VCLF is now the entity responsible for the management of environmental conditions and obligations at the Eagle No. 2 Mine.

WHEREFORE the Parties, PEOPLE OF THE STATE OF ILLINOIS, HERITAGE COAL COMPANY LLC, and VIRGINIA CONSERVATION LEGACY FUND, INC., respectfully request that the Board dismiss HERITAGE COAL COMPANY, LLC as the party Respondent in this matter and substitute as the party Respondent VIRGINIA CONSERVATION LEGACY FUND, INC.

PEOPLE OF THE STATE OF ILLINOIS,
Complainant

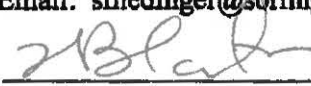
By: 
Jane McBride
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HERITAGE COAL COMPANY LLC,
Respondent

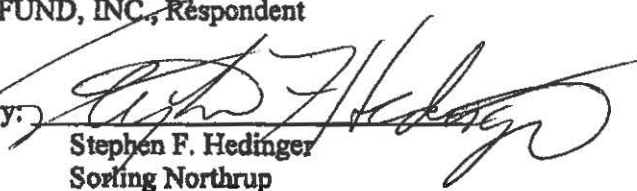
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**VIRGINIA CONSERVATION LEGACY
FUND, INC., Respondent**

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