

**RECEIVED**

CLERK'S OFFICE

JUN 6 2003

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 PEABODY COAL COMPANY, )  
 a Delaware corporation, )  
 )  
 Respondent. )

STATE OF ILLINOIS  
Pollution Control Board

PCB NO. 99-134  
(Enforcement)

**NOTICE OF FILING**

To: David R. Joest  
 Peabody Coal Company  
 1951 Barrett Court  
 P.O. Box 1990  
 Henderson, KY 42420-1990

Stephen F. Hedinger  
 Attorney at Law  
 2601 South Fifth Street  
 Springfield, IL 62703


W. C. Blanton  
 Blackwell Sanders Peper Martin LLP  
 2300 Main Street, Suite 1000  
 Kansas City, MO 64108

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, COMPLAINANT'S MOTION FOR PROTECTIVE ORDER SUPPLEMENTAL FILING.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
 LISA MADIGAN  
 Attorney General of the  
 State of Illinois

MATTHEW J. DUNN, Chief  
 Environmental Enforcement/Asbestos  
 Litigation Division

BY:   
 JANE E. McBRIDE  
 Assistant Attorney General  
 Environmental Bureau

500 South Second Street  
 Springfield, Illinois 62706  
 217/782-9031  
 Dated: June 5, 2003

## CERTIFICATE OF SERVICE

I hereby certify that I did on June 5, 2003, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled COMPLAINTANT'S MOTION FOR PROTECTIVE ORDER SUPPLEMENTAL FILING

To: David R. Joest  
Peabody Coal Company  
1951 Barrett Court  
P.O. Box 1990  
Henderson, KY 42420-1990

Stephen F. Hedinger  
Hedinger Law Office  
2601 South Fifth Street  
Springfield, IL 62703

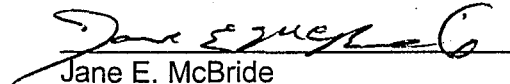
W. C. Blanton  
Blackwell Sanders Peper Martin LLP  
2300 Main Street, Suite 1000  
Kansas City, MO 64108

and the original and five copies by Federal Express Mail of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

A copy was also sent by Federal Express Mail

To: Brad Halloran  
Hearing Officer  
Pollution Control Board  
James R. Thompson Center, Ste. 11-500  
100 West Randolph  
Chicago, IL 60601

  
Jane E. McBride  
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PEOPLE OF THE STATE OF ILLINOIS, )  
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Complainant, )  
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PEABODY COAL COMPANY, a Delaware )  
corporation, )  
)  
Respondent. )

STATE OF ILLINOIS  
Pollution Control Board  
PCB NO. 99-134  
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COMPLAINANT'S MOTION FOR PROTECTIVE ORDER  
SUPPLEMENTAL FILING

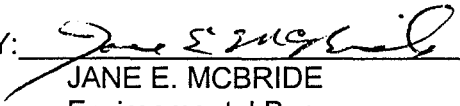
Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, supplements its original Motion for Protective Order, filed in this matter on June 4, 2003, with this filing of an additional exhibit to be attached to Complainant's motion and incorporated therein as Exhibit B. Exhibit B consists of the discovery requests propounded by the Respondent previous to the requests that are the subject of Complainant's motion. The requests that are the subject of Complainant's motion are included with the motion as Exhibit A.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN  
Attorney General, State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement Division

BY:   
JANE E. MCBRIDE  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
Dated: June 5, 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 99-134  
 )  
 PEABODY COAL COMPANY, a Delaware )  
 corporation, )  
 )  
 Respondent.

RESPONDENT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

Respondent, PEABODY COAL COMPANY (hereinafter "PCC"), through its undersigned attorneys, hereby submits to Petitioner, PEOPLE OF THE STATE OF ILLINOIS, its First Request for Production of Documents. Documents are to be produced for purposes of inspection and copying within 28 days of service of this request, at the offices of counsel for Respondent, Mohan, Alewelt, Prillaman & Adami, Suite 325, 1 North Old Capitol Plaza, Springfield, Illinois.

For purposes of this Request for Production of Documents, the term "document" has the meaning set forth in Illinois Supreme Court Rule 201(b)(1).

Petitioner is required to furnish at the time and place stated above an Affidavit stating under oath that the production is complete in accordance with the request, or if incomplete, in what manner it is incomplete.

All requested documents are to be produced as they are kept in the usual course of business or organized and labelled to correspond with the categories in the request, and all retrievable information in computer storage is to be produced in printed form.

Petitioner has a duty to seasonably supplement any response to the extent any responsive documents, objects or tangible things subsequently come into Petitioner's possession or control or become known to Petitioner.

Any objections to the request for production, full or partial, under claim of privilege of any kind whatsoever, shall be made in compliance with Illinois Supreme Court Rule 201(n) by fully stating the nature of the claim or privilege, stating all facts relied upon in support of the claim or privilege, identifying with specificity all documents related to the claim of privilege along with a complete description of the contents of the withheld documents, identify all persons having knowledge of any facts related to the claim of privilege, and provide an Affidavit attesting under oath to the factual assertions made in the claim of privilege.

#### REQUESTS FOR PRODUCTION OF DOCUMENTS

Petitioner is hereby requested to produce the following documents:

1. All documents concerning, referring to, or in any way whatsoever relating to, the facility located in Gallatin County, Illinois, owned by Peabody Coal Company, and identified as the Eagle No. 2 mine, which is the subject matter of the Complaint filed by Petitioner in this case, located in, accessible to, or under the control of the offices within the Illinois Environmental Protection Agency:

A. Bureau of Water (including the Division of Public Water Supplies);

B. The Bureau of Land;

C. The Bureau of Air;

D. The Office of Mine Pollution Control;

E. The Office of the Director;

F. The Office of Chemical Safety;

G. The Public Information Office;

H. The regional office located in Marion, Illinois;

I. Any other office or unit of the Illinois Environmental Protection Agency not specified above.

2. All documents concerning, referring to, or in any way whatsoever relating to, the public water supply operation (including but not limited to raw water supply, finished water supply, water treatment plant, water testing and analyses, and financial information) located in, accessible to, or under the control of the offices within the Illinois Environmental Protection Agency:

A. Bureau of Water (including the Division of Public Water Supplies);

B. The Bureau of Land;

C. The Bureau of Air;

D. The Office of Mine Pollution Control;

E. The Office of the Director;

F. The Office of Chemical Safety;

G. The Public Information Office;

H. The regional office located in Marion, Illinois;

I. Any other office or unit of the Illinois Environmental Protection Agency not specified above.

3. All documents concerning, referring to, or in any way whatsoever relating to, the public water supply operation (including but not limited to raw water supply, finished water supply, water treatment plant, water testing and analyses, and financial information) located in, accessible to, or under the control of the Illinois Department of Public Health.

4. All documents concerning, referring to, or in any way whatsoever relating to, the facility located in Gallatin County, Illinois, owned by Peabody Coal Company, and identified as the Eagle No. 2 mine, which is the subject matter of the Complaint filed by Petitioner in this case, located in, accessible to, or under the control of the Illinois Department of Natural Resources, Office of Mines and Minerals.

Respectfully submitted,

Respondent, PEABODY COAL COMPANY,

By its attorneys  
MOHAN, ALEWELT, PRILLAMAN & ADAMI

By Stephen F. Hedinger  
Stephen F. Hedinger

Mohan, Alewelt, Prillaman & Adami  
One North Old Capitol Plaza  
Suite 325  
Springfield, IL 62701-1323  
(217) 528-2517

C:\MAPA\PEABODY\REQTOPRO.J28 SFH/anp 07/28/99

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 99-134  
 )  
 PEABODY COAL COMPANY, a Delaware )  
 corporation, )  
 )  
 Respondent. )

NOTICE OF FILING AND  
PROOF OF SERVICE

To: Jane E. McBride  
Assistant Attorney General  
Environmental Bureau  
Office of the Attorney General  
500 S. Second St.  
Springfield, IL 62706

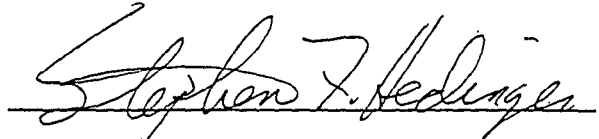
PLEASE TAKE NOTICE that on the 28th day of July, 1999, we sent to the Clerk of the Illinois Pollution Control Board the original and three copies of Respondent's First Request for Production of Documents for filing in the above-captioned cause.

The undersigned hereby certifies that a true and correct copy of the above described pleading was served upon the above-identified person at her business address as set forth above, by hand delivery on this 28th day of July, 1999.

The undersigned further certifies that a true and correct copy of the above described pleading was served upon the party and at the address identified below by placing the pleading in an addressed envelope with first class postage affixed, and by depositing the envelope in a U.S. Mail Box on this 28th day of July, 1999.



Amy Muran Felton  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 West Randolph Street  
Chicago, IL 60601

A handwritten signature in cursive script, reading "Stephen F. Hedinger", written over a horizontal line.

Stephen F. Hedinger

MOHAN, ALEWELT, PRILLAMAN & ADAMI  
1 North Old Capitol Plaza  
First of America Center  
Suite 325  
Springfield, IL 62701  
217/528-2517

THIS FILING IS SUBMITTED ON RECYCLED PAPER

C:\MAPA\PEABODY\POS.J28 SFH/anp 07/28/99

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

PEABODY COAL COMPANY, a Delaware corporation,

Respondent.

PCB 99-134

NOTICE OF FILING AND PROOF OF SERVICE

To: Jane E. McBride  
Assistant Attorney General  
Environmental Bureau  
Office of the Attorney General  
500 S. Second St.  
Springfield, IL 62706

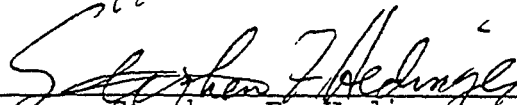
Dorothy Gunn, Clerk  
Illinois Pollution  
Control Board  
James R. Thompson Center  
100 W. Randolph St.  
Suite 11-500  
Chicago, IL 60601

Amy Muran Felton  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph Street  
Chicago, IL 60601

David Joest  
Peabody Coal Company  
1951 Barrett Ct.  
P.O. Box 1990  
Henderson, KY 42419-1990

PLEASE TAKE NOTICE that on the 4th day of November, 1999, we sent to the Clerk of the Pollution Control Board the original and three copies of RESPONDENT PEABODY COAL COMPANY'S FIRST SET OF INTERROGATORIES, for filing in the above entitled cause.

The undersigned certifies that true and correct copies of the above-described pleading were served upon Jane McBride via hand delivery and on the other above-identified individuals via U.S. mail, by enclosing the same in envelopes properly addressed, with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office mail box on the 4th day of November, 1999.

  
Stephen F. Hedinger

MOHAN, ALEWELT, PRILLAMAN & ADAMI  
1 North Old Capitol Plaza  
Suite 325  
Springfield, IL 62701  
217/528-2517

These Interrogatories shall be deemed continuing so as to require Supplemental Answers if Complainant obtains further or supplemental information between the time Answers to the within Interrogatories are served and the time of hearing. If for any reason Complainant is unable to answer any Interrogatory in full, such Interrogatory should be answered to the extent possible and the reason for the inability to answer in full should be clearly stated.

Verification under oath of all interrogatory responses is required.

**DEFINITIONS AND INSTRUCTIONS APPLICABLE TO INTERROGATORIES**

1. "Document" shall mean and include each and every medium upon which information can be printed, or reproduced in any manner by mechanical means, by hand or otherwise, that is or has been in your possession, custody or control or of which you have knowledge, including, without limitation, correspondence, telephone or e-mail logs, e-mail records, memoranda, stenographic or handwritten notes, studies, publications, books, pamphlets, photographs, or recordings of every kind or nature, including, but not limited to, letters, records, logs, diaries, correspondence, writings, contracts, telegrams, memoranda, reports, notes, recordings, transcripts, cover sheets, transmittal sheets, lists, internal or interoffice communications, records of meetings, conferences, telephone or other communications, diagrams, charts, computer printouts, pictures, books, magazines, texts, video or audio tapes, drawings, summaries of telephone conversations, summaries of reports of investigations or negotiations, and sketches, every copy of such writing or record where the original is not in your possession, custody or control, and every copy of such writing or record where such copy contains any commentary or notations whatsoever that do not appear on the original, and drafts of any of the foregoing.
2. "Person" means any natural person or any business entity, including, but not limited to, a proprietorship, partnership, corporation, association, joint venture, and

13. "IEPA" means the Illinois Environmental Protection Agency.
14. The "Illinois Environmental Protection Agency" means that agency, created by Section 4 of the Environmental Protection Act, which is identified in paragraph 1 of your Complaint.
15. The "Environmental Protection Act" means P.A. 76-2429, effective July 1, 1970, and all amendments to that Public Act, as currently codified at 415 ILCS 5/1 et seq.
16. "Identify", as to a person, means the person's full name, current or last known home address (including street name and number, city or town, state and zip code), the person's current or last known business address, the person's present business affiliation and position, and for current or former agents or employees of the IEPA, the person's educational and professional background (including without limiting the generality of this definition the person's IEPA job classification, as well as identification of any professional designations, including those of Licensed or Registered Professional Engineer or Licensed or Registered Professional Geologist, along with the date such designation was obtained). "Identify," as to a document, means to state its description (e.g., letter, memorandum, report, etc.), its title and date, and the number of pages thereof, its subject matter, its author, the person or persons to whom it was directed, and its present location and the identity of the person presently having possession, custody, or control of such document.
17. "CAP" means Corrective Action Plan.
18. "Corrective Action Plan" means the "Site Characterization Report and Corrective Action Plan prepared for Peabody Coal Company by GeoSyntec Consultants, dated October 1995, and submitted to the Illinois Environmental Protection Agency on or about November 27, 1995, concerning the Eagle No. 2 Mine.
19. "GMZ" means Groundwater Management Zone.
20. "Groundwater Management Zone" means "a three dimensional region containing groundwater being managed to mitigate impairment caused by the release of contaminants from a site," within the meaning of 35 Ill. Adm. Code Section 620.250.
21. "Groundwater quality standards" means any applicable standards set forth in 35 Ill. Adm. Code Part 620, for any relevant class of groundwater, as identified in the Complaint.

A. Identify by date and location any refuse disposal which you contend was not authorized by permits issued by the Illinois Department of Mines and Minerals or its successor the Illinois Department of Natural Resources Office of Mines and Minerals;

B. Identify by date and location any refuse disposal which you contend was not authorized by permits issued by the Illinois Environmental Protection Agency;

C. State all facts on which you rely to support such contentions.

Answer to Interrogatory No. 2:

Interrogatory No. 3: If you contend that refuse disposal (as such term is used in ¶ 8 of the Complaint) at Respondent's Eagle No. 2 Mine was not performed in accordance with the terms and conditions of permits issued by the Illinois Department of Mines and Minerals or its successor the Illinois Department of Natural Resources Office of Mines and Minerals:

A. Describe each particular occasion or area in which refuse was disposed in a manner which you contend was contrary to or inconsistent with the terms and conditions of any applicable permit.

B. With respect to each occasion or area identified in your answer to subpart (A) of this interrogatory, describe the manner in which you contend that refuse disposal should have been conducted consistent with the terms and conditions of any applicable permit.

C. With respect to each occasion or area identified in your answer to subpart (A) of this interrogatory, identify the permit term or condition you contend was not complied with.

Answer to Interrogatory No. 3:

Interrogatory No. 6: If you contend that any applicable public and food processing water supply standards (as established under 35 Ill. Adm. Code Part 302, Subpart C), groundwater quality standards (as established under 35 Ill. Adm. Code Part 620), or any maximum contaminant levels ("MCLs") (as defined in 35 Ill. Adm. Code § 611.101) have been exceeded at the point of withdrawal of any public water supply (as such term is used in ¶ 6 of the Complaint) due to any discharge or release of contaminants by Respondent:

- A. Identify each location at which and each date on which you allege that any such standard or MCL was exceeded;
- B. Identify the standard or MCL you contend was exceeded on each such occasion;
- C. State all facts on which you rely to support such contentions;
- D. Describe any remedial or enforcement action taken by the Illinois Environmental Protection Agency or any other agency or official of the State of Illinois in response to each such exceedance.

Answer to Interrogatory No. 6:

Interrogatory No. 7: If you do not admit that each of the monitoring wells at which Complainant alleges in the Complaint that exceedances of groundwater quality standards or water quality standards occurred is located within "the cumulative impact area of groundwater for which the hydrologic balance has been disturbed from a permitted coal mine area pursuant to the Surface Coal Mining Land Conservation and Reclamation Act" (as such phrase is used in 35 Ill. Adm. Code § 620.450(b)(1)):

Interrogatory No. 10: If you contend that the natural flow of groundwater, in the absence of any influence due to pumping, tends in the direction from Eagle No. 2 Mine to the Saline Valley Conservancy District well field described in ¶ 7 of the Complaint, state all facts on which you rely to support your contention.

Answer to Interrogatory No. 10:

Interrogatory No. 11: State all facts on which you base your allegation in ¶ 6 of the Complaint that "the Henry Aquifer [is] one of the few Class 1 groundwater resources in southern Illinois."

Answer to Interrogatory No. 11:

Interrogatory No. 12: Identify the "Peabody's accounts" referred to in ¶ 8 of the Complaint.

Answer to Interrogatory No. 12:

Interrogatory No. 16: Describe any studies or analyses the Illinois Environmental Protection Agency has performed to determine the concentrations of total dissolved solids, sulfates, chlorides, iron or manganese which existed at the site of the wells referred to in ¶¶ 12 and 17 of the Complaint prior to any disposal of refuse by Respondent as referred to in ¶ 8 of the Complaint.

Answer to Interrogatory No. 16:

Interrogatory No. 17: Describe any studies or analyses the Illinois Environmental Protection Agency has performed at any time to determine the existence or non-existence of sources (other than Respondent's operations) of total dissolved solids, sulfates, chlorides, iron or manganese to groundwater located:

- A. at the Saline Valley Conservancy District wells referred to in the Complaint.
- B. at the site of the wells referred to in ¶¶ 12 and 17 of the Complaint.

Answer to Interrogatory No. 17:

Interrogatory No. 18: If you contend that any existing or potential use of groundwater in the Henry Aquifer (as such term is used in ¶ 6 of the Complaint) has been precluded due to the "release of any contaminant" (as such phrase is used in 35 Ill. Adm. Code § 620.301(a)) by Respondent:

- A. Identify each such use, the existing or potential users, and the location(s) at which you contend such use has been precluded;



- B. Slurry No. 2 as described in ¶ 12.B of the Complaint;
- C. Refuse No. 3 as described in ¶ 12.C of the Complaint;
- D. Slurry No. 5 as described in ¶ 12.D of the Complaint;
- E. South 40 Refuse Area as described in ¶ 12.E of the Complaint;
- F. New South Refuse Area as described in ¶ 12.F of the Complaint.

Answer to Interrogatory No. 21:

Interrogatory No. 22: If you contend that any of the wells referred to in ¶ ¶ 12 and 17 of the Complaint are not within the outermost edge of the coal preparation plant at Eagle No. 2 Mine, describe:

- A. The location of each such well in relation to the outermost edge of the coal preparation plant (e.g., by direction and distance);
- B. The manner in which you have ascertained the location of the outermost edge of the coal preparation plant.

Answer to Interrogatory No. 22:

Interrogatory No. 23: If you contend that the Illinois Environmental Protection Agency has complied with the requirements of Section 31(a) of the Environmental Protection Act, 415 ILCS 5/31(a), with respect to the following violations alleged in ¶ 18 of the Complaint, identify the date of the written notice specified in Section 31(a) sent to Respondent with

06/26/89 through 05/03/95;  
06/22/95;  
08/18/95;  
12/12/95 through 07/31/96; or  
after 07/31/97.

U. Well MW-18 - any violation alleged to have occurred prior to 05/01/95 or after 07/31/97;

V. Well MW-19 - any violation alleged to have occurred prior to 06/22/95 or after 07/31/97;

W. Well MW-21 - any violation alleged to have occurred prior to 01/10/95 or after 07/31/97;

X. Well MW-23 - any violation alleged to have occurred prior to 02/09/95;

Y. Well MW-24 - any violation alleged to have occurred prior to 01/10/95;

Z. Well MW-25 - any violation alleged to have occurred prior to 01/10/95 or after 12/12/95.

Answer to Interrogatory No. 23:

Interrogatory No. 24: If you contend that the Illinois Environmental Protection Agency has complied with the requirements of Section 31(b) of the Environmental Protection Act, 415 ILCS 5/31(b), with respect to the following violations alleged in ¶ 18 of the Complaint, identify the date of the written notice specified in Section 31(b) sent to Respondent with respect to those alleged violations and the individual and/or office to which it was addressed:

A. Well GW-4 - any violation alleged to have occurred prior to 01/10/95;

B. Well GW-6 - any violation alleged to have occurred prior to 01/10/95;

V. Well MW-19 - any violation alleged to have occurred prior to 06/22/95 or after 07/31/97;

W. Well MW-21 - any violation alleged to have occurred prior to 01/10/95 or after 07/31/97;

X. Well MW-23 - any violation alleged to have occurred prior to 02/09/95;

Y. Well MW-24 - any violation alleged to have occurred prior to 01/10/95;

Z. Well MW-25 - any violation alleged to have occurred prior to 01/10/95 or after 12/12/95.

Answer to Interrogatory No. 24:

Interrogatory No. 25: If you contend that the Illinois Environmental Protection Agency has complied with the requirements of Section 31(a) of the Environmental Protection Act, 415 ILCS 5/31(a), with respect to any alleged violation of 35 Ill. Adm. Code §620.301, identify the date of the written notice specified in Section 31(a) sent to Respondent with respect to those alleged violations and the individual and/or office to which it was addressed.

Answer to Interrogatory No. 25:

Interrogatory No. 26: If you contend that the Illinois Environmental Protection Agency has complied with the requirements of Section 31(b) of the Environmental Protection Act, 415 ILCS 5/31(b), with respect to any alleged violation of 35 Ill. Adm. Code §620.301, identify the date of the written

Interrogatory No. 29: Identify the inorganic chemicals other than chlorides, manganese, total dissolved solids and iron which you allege in ¶ 8 of the Complaint to have "leached from the mine refuse at Eagle No. 2 into the groundwater on-site and [to] have migrated off-site of Eagle No. 2."

Answer to Interrogatory No. 29:

Interrogatory No. 30: If you contend that the leaching of chlorides, manganese, total dissolved solids or iron into groundwater in quantities which does not cause exceedances of applicable groundwater quality standards established under 35 Ill. Adm. Code Part 620 constitutes a violation of Section 12 of the Environmental Protection Act, 415 ILCS 5/12:

A. Identify the circumstances under which you contend that such leaching would constitute a violation (for example, and not to limit the generality of this interrogatory, if you contend that some increase in any of the constituents listed above, either in absolute values or as a percentage increase over background levels, is sufficient to give rise to a violation, specify the amount of such increase.)

B. Identify each person against whom you or the Illinois Environmental Protection Agency has taken enforcement action under the Environmental Protection Act for causing any such leaching.

Answer to Interrogatory No. 30:

B. State the statutory or regulatory authority for imposition of each such criterion.

Answer to Interrogatory No. 33:

Interrogatory No. 34: With respect to any criteria which you contend apply to the establishment of a groundwater management zone under 35 Ill. Adm. Code § 620.250(b) other than those identified in your answer to the preceding interrogatory:

- A. Describe all such criteria;
- B. State the statutory or regulatory authority for imposition of each such criterion.

Answer to Interrogatory No. 34:

Interrogatory No. 35: If you contend that any technology or reclamation practice is available which would allow groundwater within a coal mine refuse disposal area to meet the inorganic chemical constituent requirements of 35 Ill. Adm. Code 302 Subparts B and C or of 35 Ill. Adm. Code 620 Subpart D, describe such technology or practice, and identify all coal mines in Illinois known to you and/or to the Illinois Environmental Protection Agency to employ or to possess permits to implement such technology or practice.

Answer to Interrogatory No. 35:

Interrogatory No. 37: If you contend that the CAP did not propose an "adequate corrective action in a timely and appropriate manner" within the meaning of that phrase as used in 35 Ill. Adm. Code § 620.250(a)(2):

A. Describe each deficiency in the CAP which you contend caused the CAP not to propose adequate, timely or appropriate corrective action;

B. Describe each specific statutory provision or regulation with which you contend the CAP did not comply; and

C. Identify by date and addressee all written communications, and by date, manner and participants all verbal communication, by which the Illinois Environmental Protection Agency informed Respondent of any such deficiency.

Answer to Interrogatory No. 37:

Interrogatory No. 38: If you contend that there is any reason that a Groundwater Management Zone ("GMZ") should not have been established for Eagle No. 2 Mine and surrounding areas other than any deficiency(ies) concerning the CAP identified in your response to the preceding interrogatory:

A. State each such reason; and

B. Describe any specific statutory provision or regulation which you contend precluded the establishment of a GMZ for Eagle No. 2 Mine and/or surrounding areas.

Answer to Interrogatory No. 38:

Interrogatory No. 42: Describe the manner in which you calculated the number of separate violations and violation days referred to in the preceding interrogatory, explaining what you contend constitutes a separate violation and how you determine the number of days a violation continues.

Answer to Interrogatory No. 42:

Interrogatory No. 43: If you contend that the Illinois Pollution Control Board should order Respondent to take or refrain from taking any specific actions, state specifically what actions you contend Respondent should be ordered to do or not to do. If your answer to this interrogatory is that Respondent should be ordered to "cease and desist from any further violations of the [Illinois Environmental Protection] Act and associated regulations", explain what specific actions you contend such an order would require Respondent to take or refrain from taking.

Answer to Interrogatory No. 43:

Interrogatory No. 44: If you contend that either you or the Illinois Environmental Protection Agency has made or attempted to make any determination as to what portion of the contaminants which the Complaint alleges have entered the groundwater at and

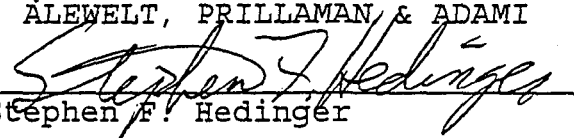
Respectfully submitted,

Respondent, PEABODY COAL COMPANY,

By its attorneys

MOHAN, ALEWELT, PRILLAMAN & ADAMI

By

  
Stephen F. Hedinger

Mohan, Alewelt, Prillaman & Adami  
One North Old Capitol Plaza  
Suite 325  
Springfield, IL 62701-1323  
(217) 528-2517

C:\MAPA\PEABODY\PCB\INTERR1.018 SFH/ea 11/04/99



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
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 v. ) PCB 99-134  
 )  
 PEABODY COAL COMPANY, a Delaware )  
 corporation, )  
 )  
 Respondent.

NOTICE OF FILING AND  
PROOF OF SERVICE

To: Jane E. McBride  
Assistant Attorney General  
Environmental Bureau  
Office of the Attorney General  
500 S. Second St.  
Springfield, IL 62706

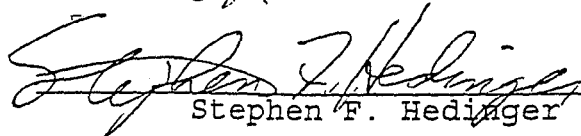
Dorothy Gunn, Clerk  
Illinois Pollution  
Control Board  
James R. Thompson Center  
100 W. Randolph St.  
Suite 11-500  
Chicago, IL 60601

Amy Muran Felton  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph Street  
Chicago, IL 60601

David Joest  
Peabody Coal Company  
1951 Barrett Ct.  
P.O. Box 1990  
Henderson, KY 42419-1990

PLEASE TAKE NOTICE that on the 5<sup>th</sup> day of November, 1999,  
we sent to the Clerk of the Pollution Control Board the original  
and three copies of RESPONDENT PEABODY COAL COMPANY'S SECOND  
REQUEST FOR PRODUCTION OF DOCUMENTS, for filing in the above  
entitled cause.

The undersigned certifies that true and correct copies of  
the above-described pleading were served upon Jane McBride via  
hand delivery and on the other above-identified individuals via  
U.S. mail, by enclosing the same in envelopes properly addressed,  
with postage fully prepaid, and by depositing said envelopes in a  
U.S. Post Office mail box on the 5<sup>th</sup> day of November, 1999.

  
Stephen F. Hedinger

MOHAN, ALEWELT, PRILLAMAN & ADAMI  
1 North Old Capitol Plaza  
Suite 325  
Springfield, IL 62701  
217/528-2517

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 99-134  
 )  
 PEABODY COAL COMPANY, a Delaware )  
 corporation, )  
 )  
 Respondent.

RESPONDENT'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS

Respondent, PEABODY COAL COMPANY (hereinafter "PCC"), through its undersigned attorneys, hereby submits to Complainant, PEOPLE OF THE STATE OF ILLINOIS, its Second Request for Production of Documents. Documents are to be produced for purposes of inspection and copying within 28 days of service of this request, at the offices of counsel for Respondent, Mohan, Alewelt, Prillaman & Adami, Suite 325, 1 North Old Capitol Plaza, Springfield, Illinois.

For purposes of this Request for Production of Documents, the term "document" has the meaning set forth in Illinois Supreme Court Rule 201(b)(1).

Complainant is required to furnish at the time and place stated above an Affidavit stating under oath that the production is complete in accordance with the request, or if incomplete, in what manner it is incomplete.

All requested documents are to be produced as they are kept in the usual course of business or organized and labelled to correspond with the categories in the request, and all retrievable information in computer storage is to be produced in both electronic and printed form.

Complainant has a duty to seasonably supplement any response to the extent any responsive documents, objects or tangible things subsequently come into Complainant's possession or control or become known to Complainant.

Any objections to the request for production, full or partial, under claim of privilege of any kind whatsoever, shall be made in compliance with Illinois Supreme Court Rule 201(n) by fully stating the nature of the claim or privilege, stating all facts relied upon in support of the claim or privilege, identifying with specificity all documents related to the claim of privilege along with a complete description of the contents of the withheld documents, identify all persons having knowledge of any facts related to the claim of privilege, and provide an Affidavit attesting under oath to the factual assertions made in the claim of privilege.

DEFINITIONS APPLICABLE TO REQUEST FOR PRODUCTION OF DOCUMENTS

1. "In the possession of" means in the physical possession of, or under or subject to the control of or available to as to matter of right, the person or body named or any person or body subject to the control or direction of such person or body in regard to the record or item named.
2. The word "and" and the word "or" shall be construed disjunctively and conjunctively as and/or.
3. "You" means the organization and the person to whom these Interrogatories are directed, individually and collectively, and "your" is the possessive of "you" as herein defined.
4. "Complaint" means the Complaint filed by you in this case on or about March 23, 1999, which initiated this case.
5. "Eagle No. 2 Mine" means the underground coal mine and associated surface area located in Gallatin County, Illinois, and identified in paragraph 5 of the Complaint.
6. "Respondent" means Peabody Coal Company.

7. "SVCD" means Saline Valley Conservancy District.
8. "Saline Valley Conservancy District" means the public water supply entity identified in paragraph 5 of the Complaint.
9. "IEPA" means the Illinois Environmental Protection Agency.
10. The "Illinois Environmental Protection Agency" means that agency, created by Section 4 of the Environmental Protection Act, which is identified in paragraph 1 of your Complaint.
11. "GMZ" means Groundwater Management Zone.
12. "Groundwater Management Zone" means "a three dimensional region containing groundwater being managed to mitigate impairment caused by the release of contaminants from a site," within the meaning of 35 Ill. Adm. Code Section 620.250.
13. "Groundwater quality standards" means any applicable standards set forth in 35 Ill. Adm. Code Part 620, for any relevant class of groundwater, as identified in the Complaint.
14. The term "coal mine" means a permitted coal mine area pursuant to the Surface Coal Mining Land Conservation and Reclamation Act, 225 ILCS 720 et seq., and 62 Ill. Adm. Code 1700 through 1850.
15. The term "solute transport modeling" has the same meaning as that term has in the Complainant's First Set of Interrogatories previously served in this case.
16. The term "groundwater flow modeling" has the same meaning as that term has in the Complainant's First Set of Interrogatories previously served in this case.
17. The term "particle tracking modeling" has the same meaning as that term has in the Complainant's First Set of Interrogatories previously served in this case.
18. The term "cumulative impact area" has the same meaning as the definition set forth at 35 Ill. Adm. Code Section 620.110.

#### REQUESTS FOR PRODUCTION OF DOCUMENTS

Complainant is hereby requested to produce the following documents:

1. All documents in the files of the Illinois State Geological Survey concerning or in any way relating or referring

to the Saline Valley Conservancy District and/or concerning or in any way relating or referring to the Eagle No. 2 Mine.

2. All documents in the files of the Illinois State Water Survey concerning or in any way relating or referring to the Saline Valley Conservancy District and/or concerning or in any way relating or referring to the Eagle No. 2 Mine.

3. All documents in your files or the files of the Illinois Environmental Protection Agency concerning or in any way relating to the Monterey Coal Company's Mine #2, located in Clinton County, Illinois.

4. All documents in your files or the files of the Illinois Environmental Protection Agency concerning or in any way relating to any coal mine within the boundaries of which a groundwater management zone has been proposed (by the coal mine or by the IEPA), demanded (by you or by the IEPA), or established (by operation of law, by unilateral action of the coal mine, by action of the Pollution Control Board, or by action of the IEPA).

5. All guidance and interpretive documents or any other documents (including without limiting the generality of this request any internal memoranda, correspondence, briefs, draft or final regulatory proposals, or regulatory history materials, all of which specifically include versions of these documents maintained as or within electronic formats or media), in the possession of you, the IEPA, or the Illinois Department of Natural Resources Office of Mines and Minerals concerning:

(A) Groundwater quality standards for chloride, iron (dissolved), manganese (total), sulfate, and total dissolved solids;

(B) groundwater management zones at coal mines;

(C) groundwater management zone criteria (including criteria for determining when a groundwater management zone is necessary, and criteria for determining the appropriateness of a proposed groundwater management zone);

(D) solute transport modeling;

(E) groundwater flow modeling;

(F) particle tracking modeling;

(G) interpretation of and coordination between the Surface Coal Mining Land Conservation and Reclamation Act and the Environmental Protection Act;

(H) coordination and/or cooperation between the IEPA and the Illinois Department of Natural Resources Office of Mines and Minerals (or its predecessor the Illinois Department of Mines and Minerals);

(I) the determination of the cumulative impact area of groundwater for which the hydrologic balance has been disturbed from a permitted coal mine as described in 35 Ill. Adm. Code Section 620.450;

(J) standards for corrective action of impairment of groundwater caused by the release of contaminants from a site, as described in 35 Ill. Adm. Code Section 620.250;

(K) identification and/or determination of the time of completion of reclamation at a coal mine, as described in 35 Ill. Adm. Code §620.450(b);

(L) identification and/or determination of what constitutes (i.e. the boundaries of) "the area from which overburden has been removed," as described in 35 Ill. Adm. Code Section 620.450(b), including without limiting the generality of this request, documents describing what constitutes "overburden."

5. All documents referred to, referenced in or by, or from which information was obtained for purposes of analyzing or answering Respondent Peabody Coal Company's First Request for Admissions of Fact or Respondent Peabody Coal Company's First Set of Interrogatories.

6. The personnel files, including without limiting the generality of this request all files containing educational background information, professional work experience information, continuing or on-the-job education or training information, professional achievements, recognitions, accomplishments or certifications, and any published works, along with documents resulting from all litigated cases in which testimony has previously been given under oath, for each agent or employee of the Illinois Environmental Protection Agency identified in any of your answers to Respondent Peabody Coal Company's First Set of Interrogatories.

Respectfully submitted,

Respondent, PEABODY COAL COMPANY,

By its attorneys

MOHAN, ALEWELT, PRILLAMAN & ADAMI

By

  
Stephen F. Hedinger

Mohan, Alewelt, Prillaman & Adami  
One North Old Capitol Plaza  
Suite 325  
Springfield, IL 62701-1323  
(217) 528-2517

C:\MAPA\PEABODY\PCB\REQPROD2.029 SFH/ea 11/05/99



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 99-134
	)	
PEABODY COAL COMPANY, a Delaware	)	
corporation,	)	
	)	
Respondent.	)	

RESPONDENT PEABODY COAL COMPANY'S SECOND SET OF INTERROGATORIES

TO: Jane McBride  
Assistant Attorney General  
Environmental Bureau  
Attorney General's Office  
500 S. Second St.  
Springfield, IL 62706

NOW COMES Respondent, PEABODY COAL COMPANY, through its undersigned attorneys, and hereby requests that Complainant, PEOPLE OF THE STATE OF ILLINOIS, answer the following interrogatories separately and fully, in writing under oath or certification within twenty-eight (28) days of the receipt hereof, at the office of Stephen F. Hedinger, 133 South Fourth Street, Suite 306, Springfield, Illinois 62701.

If your Answers to these Interrogatories are supported by (or if an Interrogatory inquires as to the existence of) a record of any type, e.g., documents, photographs, notes, memos, statements, investigative journals, complaints, test results, etc., please attach a copy of the same to your Answers identifying which Answer each record supports.

These Interrogatories shall be deemed continuing so as to require Supplemental Answers if Complainant obtains further or supplemental information between the time Answers to the

within Interrogatories are served and the time of hearing. If for any reason Complainant is unable to answer any Interrogatory in full, such Interrogatory should be answered to the extent possible and the reason for the inability to answer in full should be clearly stated.

Verification under oath of all interrogatory responses is required.

#### **DEFINITIONS AND INSTRUCTIONS APPLICABLE TO INTERROGATORIES**

1. "Document" shall mean and include each and every medium upon which information can be printed, or reproduced in any manner by mechanical means, by hand or otherwise, that is or has been in your possession, custody or control or of which you have knowledge, including, without limitation, correspondence, telephone or e-mail logs, e-mail records, memoranda, stenographic or handwritten notes, studies, publications, books, pamphlets, photographs, or recordings of every kind or nature, including, but not limited to, letters, records, logs diaries, correspondence, writings, contracts, telegrams, memoranda, reports, notes, recordings, transcripts, cover sheets, transmittal sheets, lists, internal or interoffice communications, records of meetings, conferences, telephone or other communications, diagrams, charts, computer printouts, pictures, books, magazines, texts, video or audio tapes, drawings, summaries of telephone conversations, summaries of reports of investigations or negotiations, and sketches, every copy of such writing or record where the original is not in your possession, custody or control, and every copy of such writing or record where such copy contains any commentary or notations whatsoever that do not appear on the original, and drafts of any of the foregoing.
2. "Person" means any natural person or any business entity, including, but not limited to, a proprietorship, partnership, corporation, association, joint venture, and any other legally recognized business entity, as well as all divisions, departments, affiliates, subsidiaries or other subunits of the foregoing entities.
3. The singular form shall be interpreted as including the plural; likewise the plural form shall be interpreted as including the singular, and any reference to the masculine, feminine or neuter gender shall be interpreted as including each gender not specifically included in the reference.
4. "In the possession of" means in the physical possession of, or under or subject to the control of or available to as to matter of right, the person or body named or any person or body subject to the control or direction of such person or body in regard to the record or item named.
5. The word "and" and the word "or" shall be construed disjunctively and conjunctively as and/or.

6. With respect to information which is withheld or not disclosed as requested pursuant to these interrogatories due to a claim of privilege of non-disclosure, a statement shall be provided by counsel setting forth as to each such withholding or non-disclosure:

- a. a brief description of the nature and subject matter of and the reason for withholding or non-disclosure of the information;
- b. the statute, rule, decision or other basis which is claimed to give rise to the privilege, or any other justification for the non-disclosure or withholding of the requested information.

7. "You" means the organization and the person to whom these Interrogatories are directed, individually and collectively, and "your" is the possessive of "you" as herein defined.

8. "Identify", as to a person, means the person's full name, current or last known home address (including street name and number, city or town, state and zip code), the person's current or last known business address, the person's present business affiliation and position, and for current or former agents or employees of the Illinois Environmental Protection Agency, the person's educational and professional background (including without limiting the generality of this definition the person's Illinois Environmental Protection Agency job classification, as well as identification of any professional designations, including those of Licensed or Registered Professional Engineer or Licensed or Registered Professional Geologist, along with the date such designation was obtained). "Identify," as to a document, means to state its description (e.g., letter, memorandum, report, etc.), its title and date, and the number of pages thereof, its subject matter, its author, the person or persons to whom it was directed, and its present location and the identity of the person presently having possession, custody, or control of such document.

### INTERROGATORIES

Interrogatory No. 1: Identify any and all opinion witnesses you intend to call to testify at trial, and for each such opinion witness, state the subject matter on which the opinion witness is expected to testify, the conclusions and opinions of the opinion witness and the bases therefor, and the qualifications of the opinion witness, including all reports of the opinion witness, all as set forth in Supreme Court Rule 213(g).

Answer to Interrogatory No. 1:

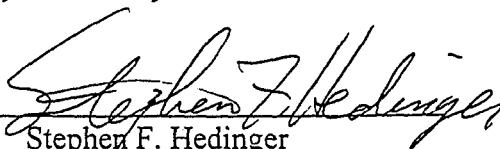
Interrogatory No. 2: Furnish the identity and location of all witnesses who will testify on behalf of Complainant at trial, together with the subject matter of each such witness's testimony, all as set forth pursuant to Supreme Court Rule 213(f).

Answer to Interrogatory No. 2:

Respectfully submitted,

PEABODY COAL COMPANY,  
Respondent

By its attorney

  
Stephen F. Hedinger

133 S. 4<sup>th</sup> St., Suite 306  
Springfield, IL 62701  
(217) 523-2753 phone  
(217) 523-4366 fax

C:/PCB/2dsetinterrog/3-15-00/mkr

**NOTICE OF FILING AND PROOF OF SERVICE**

PLEASE TAKE NOTICE that on the ~~5/26~~ day of March, 2000, we sent to the Clerk of the Pollution Control Board via Federal Express the original and three copies of RESPONDENT PEABODY COAL COMPANY'S SECOND SET OF INTERROGATORIES, for filing in the above entitled cause.

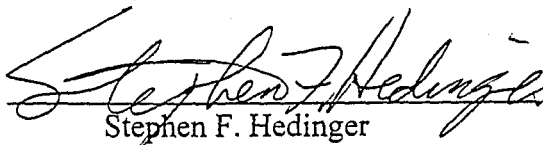
The undersigned certifies that true and correct copies of the above-described document were served upon the following individuals, by enclosing the same in envelopes properly addressed, and by mailing the same or otherwise serving in the manner indicated below, on the ~~5/26~~ day of March, 2000.

Jane E. McBride                      VIA HAND-DELIVERY  
Environmental Bureau  
Attorney General's Office  
500 S. Second St.  
Springfield, IL 62706

Dorothy Gunn, Clerk              VIA FEDERAL EXPRESS  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

Amy Muran Felton                VIA FEDERAL EXPRESS  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

David Joest                        VIA U.S. MAIL  
Peabody Coal Company  
1951 Barrett Court  
P.O. Box 1990  
Henderson, KY 42419-1990

  
Stephen F. Hedinger

133 S. 4<sup>th</sup> St., Suite 306  
Springfield, IL 62701  
(217) 523-2753 phone  
(217) 523-4366 fax  
C:/PCB/Response 3-15-00/mkr

THIS FILING IS SUBMITTED ON RECYCLED PAPER

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

PEABODY COAL COMPANY, a Delaware corporation,

Respondent.

PCB 99-134

**RESPONDENT PEABODY COAL COMPANY'S  
THIRD REQUEST FOR PRODUCTION OF DOCUMENTS**

NOW COMES Respondent, PEABODY COAL COMPANY (hereinafter "PCC"), through its undersigned attorneys, and hereby submits to Complainant, PEOPLE OF THE STATE OF ILLINOIS, its Third Request for Production of Documents. Documents are to be produced for purposes of inspection and copying within 28 days of service of this request, at the offices of counsel for Respondent, Stephen F. Hedinger, 133 South Fourth Street, Suite 306, Springfield, Illinois 62701.

For purposes of this Third Request for Production of Documents, the term "document" has the meaning set forth in Illinois Supreme Court Rule 201(b)(1).

Complainant is required to furnish at the time and place stated above an Affidavit stating under oath that the production is complete in accordance with the request, or if incomplete, in what manner it is incomplete.

All requested documents are to be produced as they are kept in the usual course of business or organized and labeled to correspond with the categories in the request, and all retrievable information in computer storage is to be produced in both electronic and printed form.

Complainant has a duty to seasonably supplement any response to the extent any responsive documents, objects or tangible things subsequently come into Complainant's possession or control or become known to Complainant.

Any objections to the request for production, full or partial, under claim of privilege of any kind whatsoever shall be made in compliance with Illinois Supreme Court Rule 201(n) by fully stating the nature of the claim of privilege, stating all facts relied upon in support of the claim of privilege, identifying with specificity all documents related to the claim of privilege along with a complete description of the contents of the withheld documents, identify all persons having knowledge of any facts related to the claim of privilege, and provide an Affidavit attesting under oath to the factual assertions made in the claim of privilege.

#### DEFINITIONS APPLICABLE TO REQUEST FOR PRODUCTION OF DOCUMENTS

1. "In the possession of" means in the physical possession of, or under or subject to the control of or available to as to matter of right, the person or body named or any person or body subject to the control or direction of such person or body in regard to the record or item named.
2. The word "and" and the word "or" shall be construed disjunctively and conjunctively as and/or.
3. "You" means the organization and the person to whom this Request for Production is directed, individually and collectively, and "your" is the possessive of "you" as herein defined.

#### REQUESTS FOR PRODUCTION OF DOCUMENTS

Complainant is hereby requested to produce the following documents:

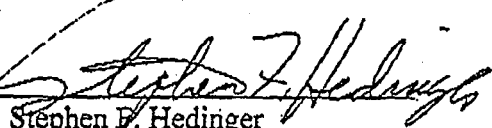
1. Any and all documents relating in any way to Respondent's Second Set of Interrogatories, or your responses thereto, including, but not limited to, reports of opinion witnesses, qualifications (including curricula vitae and employment records) of opinion witnesses, statements or other tangible evidence collected by or in the possession of witnesses, etc.

2. Any and all documents and responses to Respondent's First or Second Requests for Production of Documents, not previously produced.

Respectfully submitted,

PEABODY COAL COMPANY,  
Respondent

By its attorney

  
Stephen F. Hedinger

133 S. 4<sup>th</sup> St., Suite 306  
Springfield, IL 62701  
(217) 523-2753 phone  
(217) 523-4366 fax

C:/PCB/3dRFP/3-15-00/mkr



**NOTICE OF FILING AND PROOF OF SERVICE**

PLEASE TAKE NOTICE that on the ~~13~~<sup>14</sup> day of March, 2000, we sent to the Clerk of the Pollution Control Board via Federal Express the original and three copies of RESPONDENT PEABODY COAL COMPANY'S SECOND SET OF INTERROGATORIES, for filing in the above entitled cause.

The undersigned certifies that true and correct copies of the above-described document were served upon the following individuals, by enclosing the same in envelopes properly addressed, and by mailing the same or otherwise serving in the manner indicated below, on the ~~13~~<sup>14</sup> day of March, 2000.

Jane E. McBride                      VIA HAND-DELIVERY  
Environmental Bureau  
Attorney General's Office  
500 S. Second St.  
Springfield, IL 62706

Dorothy Gunn, Clerk              VIA FEDERAL EXPRESS  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

Amy Muran Felton                VIA FEDERAL EXPRESS  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

David Joest                        VIA U.S. MAIL  
Peabody Coal Company  
1951 Barrett Court  
P.O. Box 1990  
Henderson, KY 42419-1990

133 S. 4<sup>th</sup> St., Suite 306  
Springfield, IL 62701  
(217) 523-2753 phone  
(217) 523-4366 fax  
C:/PCB/Response 3-13-00/mkr

  
Stephen F. Hedinger

THIS FILING IS SUBMITTED ON RECYCLED PAPER



**RECEIVED**  
CLERK'S OFFICE

JUN 6 2003

STATE OF ILLINOIS  
*Pollution Control Board*

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

June 5, 2003

**Via Federal Express Mail**

The Honorable Dorothy Gunn  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph  
Chicago, Illinois 60601

Re: ***People v. Peabody Coal Company***  
**PCB No. 99-134**

Dear Clerk Gunn:

Enclosed for filing please find the original and five copies of a NOTICE OF FILING and COMPLAINANT'S MOTION FOR PROTECTIVE ORDER SUPPLEMENTAL FILING in regard to the above-captioned matter. Please file the original and return a file-stamped copy of the document to our office in the enclosed, self-addressed, stamped envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jane E. McBride".

Jane E. McBride  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

JEM/pp  
Enclosures