

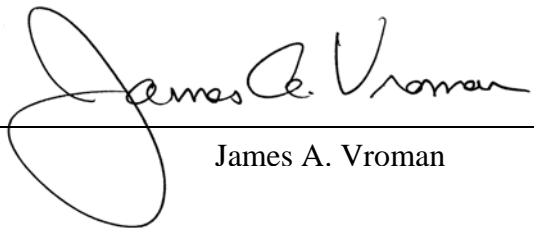
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO. 10-061
)	(Water Enforcement)
FREEMAN UNITED COAL MINING)	
COMPANY, LLC,)	
a Delaware limited liability company, and)	
SPRINGFIELD COAL COMPANY, LLC,)	
a Delaware limited liability company,)	
)	
Respondents.)	

NOTICE OF ELECTRONIC FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on April 9, 2010, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, FREEMAN UNITED COAL MINING COMPANY, LLC'S RESPONSE TO MOTIONS FOR LEAVE TO REPLY, a copy of which is attached hereto and herewith served upon you.

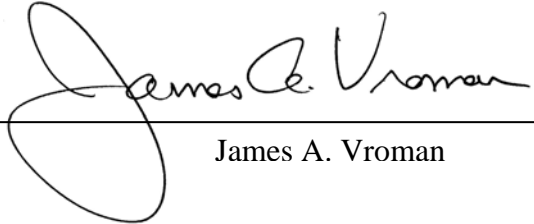
By: 

James A. Vroman

James A. Vroman
 Jenner & Block LLP
 Attorney for Respondent
 Freeman United Coal Mining Company, LLC,
 a Delaware limited liability company
 353 N. Clark Street
 Chicago, IL 60654-3456
 312/923-2836

CERTIFICATE OF SERVICE

NOW COMES the Respondent, Freeman United Coal Mining Company, LLC, a Delaware limited liability company, and through its attorneys, and pursuant to the Board's procedural rules, provides proof of service of the attached FREEMAN UNITED COAL MINING COMPANY, LLC'S RESPONSE TO MOTIONS FOR LEAVE TO REPLY and NOTICE OF ELECTRONIC FILING upon the parties listed on the attached Service List, by having a true and correct copy affixed with proper postage placed in the U.S. Mail at Jenner & Block LLP, 353 North Clark Street, Chicago, IL 60654-3456, at or before 5:00 p.m., on April 9, 2010.



James A. Vroman

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Freeman United Coal Mining Company, LLC,
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353 N. Clark Street
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Dated: April 9, 2010

SERVICE LIST

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FREEMAN UNITED COAL MINING COMPANY, LLC'S
RESPONSE TO MOTIONS FOR LEAVE TO REPLY

Respondent, FREEMAN UNITED COAL MINING COMPANY, LLC (“Freeman United”), by its attorneys, hereby responds to the Motions for Leave to Reply filed by the Environmental Law and Policy Center (“ELPC”) and Springfield Coal Co., L.L.C. (“Springfield Coal”), and states as follows:

1. Freeman United does not object to ELPC and Springfield Coal’s Motions for Leave to Reply to issues concerning Prairie Rivers Network and Sierra Club, Illinois Chapter’s Motion for Leave to Intervene.
2. Freeman United also does not object to Prairie Rivers Network and Sierra Club, Illinois Chapter’s request for permissive intervention in this case.
3. Freeman United does, however, object to the Complaint attached to Prairie Rivers Networks and Sierra Club, Illinois Chapter’s Motion for Leave to Intervene, which adds new claims in addition to those alleged by the People of the State of Illinois, and expands the scope of this matter.

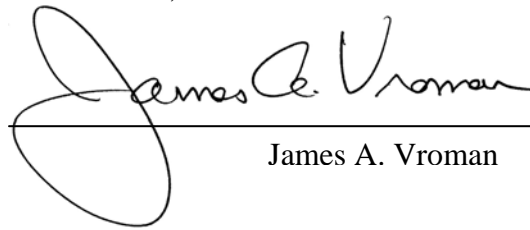
4. As this Board has previously held, “[i]t is well established that an intervenor must take the case as he finds it.” *Diesing v. City of Crystal Lake*, PCB No. 91-30 (Nov. 7, 1991). Therefore, it is improper for an intervenor to file a complaint which adds new and additional claims.

WHEREFORE, Respondent, Freeman United, states that it has no objection to the Board granting ELPC and Springfield Coal’s Motions for Leave to Reply nor does Freeman United object to the Board granting Prairie Rivers Network and Sierra Club, Illinois Chapter’s Motion For Leave to Intervene. Respondent, Freeman United, respectfully requests that this Board strike the Complaint attached to the Motion for Leave to Intervene.

Respectfully submitted,

FREEMAN UNITED COAL MINING
COMPANY, LLC

By:



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Dated: April 9, 2010