EXHIBIT 1

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	**PCB NO. 2010-061 and 2011-002**
	)	**(Consolidated – Water --**
	)	**Enforcement)**
FREEMAN UNITED COAL MINING	)	
COMPANY, LLC,	)	
a Delaware limited liability company, and	)	
SPRINGFIELD COAL COMPANY, LLC,	)	
a Delaware limited liability company,	)	
	)	
Respondents.	)	

AFFIDAVIT OF THOMAS J. AUSTIN

Thomas J. Austin, being first duly sworn upon oath, deposes and states as follows:

1. My name is Thomas J. Austin. I am currently the Vice President of Human Resources and Government Relations for Springfield Coal Company, LLC. ("Springfield Coal"). I have held this position since Springfield Coal acquired the Industry Mine from Freeman United Coal Mining Company, LLC ("Freeman United") on August 31, 2007.

2. From November 28, 2005 through August 31, 2007, I was the Vice President of Human Resources and Government Relations for Freeman United. From December 27, 2004 through November 28, 2005, I was the Director of Environmental Health and Safety for Freeman United.

3. As Director of Environmental Health and Safety at Freeman United and as Vice President of Human Resources and Government Relations for Freeman United and Springfield Coal, I was aware that the discharge monitoring reports ("DMRs") were submitted to the Illinois Environmental Protection Agency ("IEPA").

4. The DMRs that Freeman United and Springfield Coal submitted provided IEPA with detailed information on the specific levels of regulated constituents in discharges from the regulated outfalls at the Industry Mine.

5. On or about March 11, 2005, Freeman United received Violation Notice W-2005-00167, which is attached as Exhibit 1A to my affidavit. This violation notice referenced three violations of the Industry Mine's manganese effluent limit at Outfall 019.

6. On May 19, 2005, in response to the March 11, 2005 violation notice, Freeman United submitted a proposed Compliance Commitment Agreement ("CCA") to IEPA. A copy

of the May 19, 2005 CCA is attached as Exhibit 1B to my affidavit. The CCA outlined a number of specific steps that Freeman United intended to undertake to address the manganese effluent violations referenced in the violation notice.

7. On or about June 16, 2005, IEPA notified Freeman United that the CCA was accepted, although IEPA imposed an additional monitoring requirement. A true and correct copy of the June 16, 2005 IEPA letter is attached as Exhibit 1C to my affidavit.

8. During the two-year period that the June 2005 CCA was in effect, Freeman United continued to submit DMRs to IEPA in accordance with its NPDES permit.

9. I understood that once IEPA approved the CCA, Freeman United had addressed, to the satisfaction of IEPA, the alleged violations that were the subject of the March 11, 2005 NOV. I am not aware that IEPA or any other state agency between June 2005 and March 2007 advised Freeman United of any intent to take any further enforcement action related to effluent discharges from the Industry Mine.

10. As a general matter, had IEPA notified Freeman United of additional violations and/or issues, I would have ensured that the CCA that Freeman United submitted responded to those violations or issues.

11. In the Spring of 2006, Freeman United commissioned Key Agricultural Services, Inc. to prepare a Manganese Case Study of the Industry Mine. The Case Study concluded that "the Mn levels found in the water of retention pond 19 are most likely due to the naturally occurring Mn levels of the soil material in the region and not due to acid rock drainage." A true and correct copy of the Manganese Case Study is attached as Exhibit 1D to my affidavit.

12. On March 30, 2007, Freeman United sent IEPA a proposed two-year CCA extension. A true and correct copy of the March 30, 2007 proposed CCA extension is attached as Exhibit 1E to my affidavit. This proposed CCA extension also enclosed a copy of the Manganese Case Study.

13. On or about July 13, 2007, Freeman United received a letter from IEPA relating to Freeman United's March 30, 2007 proposed CCA extension. A true and correct copy of the July 13, 2007 IEPA letter is attached as Exhibit 1F to my affidavit.

14. On August 14, 2007, Freeman United sent a letter to IEPA stating that effective September 1, 2007, Springfield Coal would be the owner/operator of the Industry Mine and requesting transfer of the NPDES permit. A true and correct copy of the August 14, 2007 Freeman United letter is attached as Exhibit 1G to my affidavit.

15. On August 30, 2007, Freeman United submitted a revised CCA extension request to IEPA that responded to IEPA's comments in its July 13, 2007 letter. A true and correct copy of the August 30, 2007 CCA is attached as Exhibit 1H to my affidavit.

16. lEPA did not formally respond in writing to the August 30, 2007 CCA extension request. However, after the Industry Mine was sold to Springfield Coal, l had a telephone conversation in Septeinber of 2007 with lEPA in which l was advised by lEPA to continue to operate the lndustry Mine pursuant to the terms of the August 30, 2007 CCA extension request.

17. It was my understanding from lEPA's representations that Springfield Coal was operating under a valid and enforceable CCA from August 30, 2007 until August 30, 2009. During this two year time period, Springfield Coal was working with IEPA pursuant to the terms of this August 30, 2007 CCA.

18. Except with respect to the telephone conversation referenced in paragraph 16 above, between July 13, 2007 and October 8, 2009, Freeman United and/or Springfield Coal did not receive any written communications from IEPA concerning: (a) Freeman United's August 14, 2007 transfer letter; (b) the August 30, 2007 CCA extension letter; or (c) any issues with the Industry Mine's discharges not meeting the effluent limitations in the NPDES Permit. As a general matter, had IEPA notified Freeman United and/or Springfield Coal of additional violations and/or issues, I would have ensured that the August 30, 2007 CCA responded to those violations or issues.

19. During the period of time I was employed by Freeman United and Springfield Coal, we exercised our best efforts to comply with all applicable effluent limits in the Industry Mine's NPDES permit. The CCAs that were submitted included the technically practicable and economically feasible means to enable the Industry Mine to meet the effluent limits in its NPDES permit.

20. On April 21, 2010, Springfield Coal sent a letter to Mr. Chad Kruse at IEPA seeking clarification from IEPA regarding the application of 35 IAC 406.106(b) to the effluent limitations in the Springfield Coal's NPDES Permit. Springfield Coal never received either an oral or written response from IEPA to the April 21, 2010 letter. A true and correct copy of the April 21, 2010 letter is attached as Exhibit 11 to my affidavit.

21. On July 20, 2010, Springfield Coal met with IEPA to discuss the status of the NPDES renewal application which was submitted by Freeman United on August 15, 2003. During the meeting, when we asked IEPA where in the queue the NPDES renewal application was for consideration, IEPA informed Springfield Coal that the renewal application from 2003 "was not even in the queue."

22. Sampling of the streams traversing the Industry Mine property was conducted in 1979 prior to any mining operations commencing on the property. I have reviewed the data generated from this sampling and it shows that there were elevated levels of a number of constituents, including sulfate, manganese, iron, total suspended solids (TSS), and pH in the surface water. This sampling identified the following constituents and maximum concentrations: manganese (10.4 mg/l), sulfates (601 mg/l), and iron (3.54 mg/l). All of these concentrations would be considered exceedances of the Industry Mine's current NPDES permit. This data is reported in the true and correct copies of the relevant

portions of the Environmental Impact Statement for the Proposed Freeman United Coal Mining Company Industry Mine Site, dated June 19, 1979, and Freeman United Coal Mining Company Industry Mine Surface Disturbance Report Volume I, which are attached as Exhibits 1J and 1K to my affidavit.

23. In 1991 and 1992, the Industry Mine planned to expand its operations and had samples taken of surface water runoff in the areas where many of the now existing ponds were to be built. This area had been subject to some previous historic underground coal mining by other companies. I have reviewed the data generated from this sampling and it identified the following constituents and maximum concentrations: manganese (20.7 mg/l), sulfates (900 mg/l), iron (15.6 mg/l), TSS (120 mg/l), and pH (3.45). All of these concentrations would be considered exceedances of the Industry Mine's current NPDES permit. This data is reported in the true and correct copy of the relevant portions of the Freeman United Coal Mining Company Industry Mine Permit Application No. 261, dated July 1, 1992, which is attached as Exhibit 1L to my affidavit.

24. Sampling of the streams traversing the Industry Mine property have been conducted since 2003. I have reviewed the data generated from such sampling and it has regularly shown that the concentrations of iron, chlorides, and TSS are at higher concentrations upstream of Industry Mine rather than downstream. Moreover, the upstream sampling has identified regular occurrences of iron and TSS at concentrations in excess of the effluent limits in the Industry Mine's NPDES Permit. The following are the effluent limitations in the NPDES Permit and examples of upstream sampling results:

NPDES Permit Limits	**Iron - mg/l**	**Total Suspended Solids (TSS) mg/l**
30 Day Avg.	3.0	35
Daily Max	6.0	70

Date of Upstream Sample	**Iron – mg/l**	**Total Suspended Solids (TSS) mg/l**
7/18/2003	32.5	1900
3/5/2004	4.77	153
4/22/2009		63
10/30/2009	12.4	83
11/30/2009		167
1/24/2010		86
3/11/2010	4.86	203
7/21/2010	18.3	387
2/28/2011	19.6	114
4/25/2011		73
5/25/2011	36.2	760

True and correct copies of the laboratory reports from which this data is taken are attached as Exhibits 1M to my affidavit.

25. At the Industry Mine, chemical addition has been conducted at Ponds 18 and 19 on a periodic basis mainly to lower the manganese concentrations by attempting to raise the pH in the ponds. Chemical addition has been conducted very sporadically at Ponds 26, 2, and 3.

26. I have reviewed Larry Crislip's March 1, 2012 affidavit and the exceedances he alleges of the sulfate effluent limitation in the NPDES Permit. I have also reviewed the sulfate data reported on the DMRs for the Industry Mine and have reviewed the current water quality standard for sulfate adopted by the Illinois Pollution Control Board on September 19, 2008. If the NPDES Permit for the Industry Mine had incorporated the current sulfate standard, there would have only been 19 excursions for sulfate from September 2008 through 2011 as opposed to the 77 excursions alleged in Larry Crislip's affidavit, a reduction of over 75%.

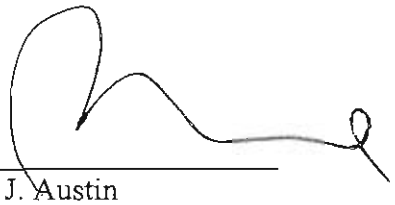
27. I have reviewed Larry Crislip's March 1, 2012 affidavit and the exceedances he alleges of the effluent limitations in the NPDES Permit. I have also reviewed the data reported on the DMRs for the Industry Mine that were submitted to IEPA. From my review of these documents, I have noted that there are numerous discrepancies between the information in Larry Crislip's affidavit and the data reported on the DMRs. For example Mr. Crislip claims that on February 14, 2005 for Outfall 18 the concentration of iron in the discharge was 13.0 mg/l, whereas the DMR shows a value of only 0.43 mg/l. This would not be considered an exceedance of the effluent limitation in the NPDES Permit. Also, Mr. Crislip identifies the following as exceedances of the monthly average effluent limitations in the NPDES Permit, however, the DMRs indicate that less than three samples were taken in those particular months and therefore pursuant to 35 IAC 304.104(b), which requires a monthly average to be based on at least three daily composites, these would not be exceedances:

Constituent	Month/Year	Outfall	Permit Limit	Actual Discharge
Iron	January 2005	018	3.5 mg/L	4.42 mg/L
Iron	January 2005	024W	3.0 mg/L	4.65 mg/L
Iron	January 2005	029	3.0 mg/L	4.98 mg/L
Iron	February 2005	029	3.0 mg/L	3.08 mg/L
Manganese	February 2005	018	2.0 mg/L	10.3 mg/L
Manganese	February 2005	019	2.0 mg/L	11.3 mg/L
Manganese	March 2005	019	2.0 mg/L	6.76 mg/L
Manganese	June 2005	018	2.0 mg/L	6.66 mg/L
Manganese	June 2005	019	2.0 mg/L	5.78 mg/L
Manganese	June 2006	019	2.0 mg/L	3.38 mg/L
Manganese	January 2007	019	2.0 mg/L	7.95 mg/L
Manganese	February 2007	019	2.0 mg/L	15.2 mg/L
Manganese	May 2007	019	2.0 mg/L	5.66 mg/L
Manganese	January 2008	019	2.0 mg/L	12.9 mg/L
Manganese	December 2008	018	2.0 mg/L	2.2 mg/L

Manganese	January 2009	018	2.0 mg/L	2.165 mg/L
Manganese	March 2009	026	2.0 mg/L	2.725 mg/L
TSS	January 2005	003	35.0 mg/L	48.5 mg/L
TSS	January 2005	018	35.0 mg/L	38 mg/L
TSS	February 2008	029	35.0 mg/L	64 mg/L

This concludes my affidavit.

Affiant:



Thomas J. Austin

Subscribed and sworn to before me this 27th day of April, 2012.

Trudy D. Manis
Notary Public

OFFICIAL SEAL
TRUDY D MANIS
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:08/06/14

EXHIBIT 1A

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR RENEE CIPRIANO, DIRECTOR

217/782-9720

CERTIFIED MAIL # 7002 3150 0000 1256 3274
RETURN RECEIPT REQUESTED

March 11, 2005

Freeman United Coal Mining Company
Industry Mine
P.O. Box 260
Industry, Illinois 61440
Attention: Mr. Michael T. Stevinson, Mine Engineer

Re: Violation Notice: W-2005-00167
Facility I.D.: IL0061247

Dear Mr. Stevinson:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/31(a)(1), and is based upon review of available information and investigation by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of violations of environmental statutes, regulations or permits as set forth in Attachment A to this letter. Attachment A includes an explanation of the activities that the Illinois EPA believes may resolve the specified violations, including an estimate of a reasonable time period to complete the necessary activities. However, due to the nature and seriousness of the violations cited, please be advised that resolution of the violations may also require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this letter. The response must address each violation specified in Attachment A and include for each, an explanation of the activities that will be implemented and the time schedule for the completion of each activity. Also, if a pollution prevention activity will be implemented, indicate that intention in any written response. The written response will constitute a proposed Compliance Commitment Agreement ("CCA") pursuant to Section 31 of the Act. The Illinois EPA will review the proposed CCA and will accept or reject the proposal within 30 days of receipt.

Exhibit 1A

If a timely written response to this Violation Notice is not provided, it shall be considered a waiver of the opportunity to respond and meet, and the Illinois EPA may proceed with a referral to the prosecutorial authority.

Written communications should be directed to BEVERLY BOOKER at the ILLINOIS EPA, BUREAU OF WATER, CAS #19, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276. All communications must include reference to this Violation Notice number, W-2005-00167.

Questions regarding this Violation Notice should be directed to BARB CONNER at 217/782-9720.

FAX 217-557-1407

Sincerely,

Michael S. Garretson /a

Michael S. Garretson, Manager
Compliance Assurance Section
Bureau of Water

Attachment

Bob Moser
Section manager water quality

ATTACHMENT A

IL0061247

FREEMAN UNITED COAL MINING COMPANY **VIOLATION NOTICE: W-2005-00167**
INDUSTRY MINE

Questions regarding the violations identified in this attachment should be directed to Barb Conner at (217) 782-9720.

A review of information available to the Illinois EPA indicates the following violation of statutes, regulations or permits. Included with the violation is an explanation of the activity the Illinois EPA believes may resolve the violation including an estimated time period for resolution.

Effluent Violations

Review the treatment plant operations/operational procedures and evaluate the treatment equipment in order to correct the deficiencies which caused the violations. Compliance is expected to be achieved within 45 days.

Violation Date	Violation Description
09/13/2004	Outfall 019- Manganese Effluent Limit
Rule/Reg.:	Section 12 (a) and (f) of the Act, 415 ILCS 5/12 (a) and (f) (2004), 35 Ill. Adm. Code 406.106, 304.141 (a), NPDES Permit
11/15/2004	Outfall 019-Manganese Effluent Limit
Rule/Reg.:	Section 12 (a) and (f) of the Act, 415 ILCS 5/12 (a) and (f) (2004), 35 Ill. Adm. Code 406.106, 304.141 (a), NPDES Permit
12/28/2004	Outfall 019-Manganese Effluent Limit
Rule/ Reg.:	Section 12 (a) and (f) of the Act, 415 ILCS 5/12 (a) and (f) (2004), 35 Ill. Adm. Code 406.106, 304.141 (a), NPDES Permit

EXHIBIT 1B

Freeman United
A GENERAL DYNAMICS COMPANY

May 19, 2005

Ms. Beverly Booker
Illinois EPA, Bureau of Water
CAS #19, P.O. Box 19276
Springfield, IL 62794-9276

Re: Industry Mine
Facility I.D. IL0061247
Violation Notice: W-2005-00167

Dear Ms. Booker:

With regard to the March 11, 2005 Violation Notice issued to Freeman United Coal Mining Company ("Freeman") and pursuant to Section 31(a)(5) of the Illinois Environmental Protection Act, we respond as follows:

Industry Mine. The aerial photograph transmitted herewith depict Freeman's Industry Mine, a surface coal mine. The coal seam is fairly close to the surface in this area and rests on a stratum of fire clay. The mine was opened in 1982 and has operated since that time under a series of mining permits issued by the Office of Mines & Minerals of the Illinois Department of Natural Resources and others. Pond 19, outlined in blue on the aerial photograph, was constructed as a sedimentation pond to collect waters from a drainage area located within the boundaries of Mining Permit 261. After that area was mined, Freeman proceeded with the reclamation work for that area as specified in the Reclamation Plan. The specified contouring and grading work in the Pond 19 surface drainage area was completed and the seeding work was commenced after mining. In 2004, final reclamation work was performed within the drainage area, including the placement of a two-foot clay cap in the area outlined in green on the aerial photograph. The seeding of that area was commenced in November of 2004 and has been largely completed. All of the drainage area from which Pond 19 collects runoff and seepage is a "Reclamation Area", as defined in 35 ILAC 402.101.

Prior Mining. When the initial application for a mining permit for the future Permit 261 area was prepared, Freeman noted that there was evidence of prior coal mining in the areas upstream of Pond 19. An excerpt from "Part II, PREMINING INFORMATION," of the original permit application is enclosed to demonstrate this. Runoff and seepage from these areas was affecting water quality within the Permit Area prior to any mining activity by Freeman. Results of analyses at downstream locations on Grindstone and Camp Creeks, which are attached, seem to reflect little if any negative impact on those streams.

PO Box 4630
Springfield, IL 62708
Tel 217 698 3300
Fax 217 698 3381

Groundwater Seeps. Groundwater seeps, up gradient of Pond 19 became increasingly prevalent after 1995. Several years ago the rate of flow from these seeps into Pond 19 was estimated as approaching 100 gpm. The groundwater flowing from the seeps exhibited relatively high concentrations of manganese. Over the past several years, Freeman has applied a number of treatment technologies in order to reduce the manganese levels before discharge from Pond 19. Among other things:

1. The channels from the seeps to Pond 19 have been lined with limestone rip rap to increase aeration before the groundwater reaches Pond 19.

2. Approximately 20,000 cubic yards of material has been excavated from the upper portions of Pond 19, increasing its capacity to approximately 30,000 cubic yards, essentially providing a two cell system.

3. Soda ash briquettes in a metal aeration basket have been placed periodically in the flow from the seeps near the upper end of Pond 19.

4. Windmills have been constructed to drive aeration units in the pond.

5. Hydrated limestone slurry is being applied on a weekly basis except when pond surface is frozen.

Despite all of the above, the combined treatment steps do not consistently reduce magnesium concentrations at the outfall of Pond 19 to meet the discharge limits set out on page 4 of the NPDES Permit.

Clay Cap. Prior to 2004, Freeman personnel observed an area within Pond 19's drainage area in which surface water collected after a rain event and drained rapidly into the unconsolidated material of the overburden. It is assumed this water followed a pathway through the spoil and overburden to the fire clay stratum thereby saturating the overlying material and proceeding along the surface of the fire clay to the seeps. Based on that assumption and as mentioned above, a two-foot clay cap was placed over the porous area to seal off this pathway. Since that cap has been put in place, the flow from various seeps up gradient from Pond 19 has decreased. However, it will take a number of months for the saturated material above the fire clay seam to drain and to establish that the clay cap has effectively sealed the source of the seepage.

NPDES Permit No. IL 0061247. Page 4 of the current NPDES Permit covered the outfall for Pond 19 as long as it continued to be "Mine Drainage", and specified manganese limits of 2.0 mg/L (30-day average) and 4.0 mg/L (daily maximum). Page 12 of the Permit covers the outfall for Pond 19 since it became a "Reclamation Area Drainage", and consistent with 35 ILAC 406.109, Page 12 does not establish a limit for manganese. Freeman hereby requests that the Agency acknowledge that the waters being collected in Pond 19 at this time constitute Reclamation Area Drainage, and that the outfall from Pond 19 will henceforth be covered by the provisions of page 12 of the Permit.

PO Box 4630
Springfield, IL 62708
Tel 217 698 3300
Fax 217 698 3381

Compliance Commitment Agreement. Freeman hereby proposes the following as its Compliance Commitment Agreement:

1. The term of this Agreement shall be two years from the date of the Agency's acceptance of this proposal.

2. During the term of this Agreement:

    a. Freeman will continue to maintain the forms of treatment, as set out above, to control the manganese levels in the discharge from Pond 19;

    b. Freeman will monitor the effluent discharging from Pond 19 as required by page 12 of the permit, except that;

    c. Freeman will monitor the rate of flow from the pond.

3. Not later than sixty (60) days before the expiration of the term of this Agreement, Freeman will seek to meet with the Agency, at a time and place mutually convenient, to review the status of Pond 19 and to determine whether any further action is required regarding Pond 19 and the drainage area it serves.

Respectfully submitted,

FREEMAN UNITED COAL MINING COMPANY

By _____
Thomas J. Austin
Director of Environmental, Health and Safety

Attachments

cc: Ron Morris, IEPA

Safety \ Environmental \ 63sfo11.doc

PO Box 4630
Springfield, IL 62708
Tel 217 698 3300
Fax 217 698 3381

EXHIBIT 1C

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR RENEE CIPRIANO, DIRECTOR

217/782-9720

CERTIFIED MAIL # 7004 2510 0001 8653 1689
RETURN RECEIPT REQUESTED

June 16, 2005

Mr. Thomas J. Austin
Freeman United
PO Box 4630
Springfield, Illinois 62708

Re: Compliance Commitment Conditional Acceptance
Violation Notice: W-2005-00167
Facility I.D.: IL0061247-Industry Mine

Dear Mr. Austin:

The Illinois Environmental Protection Agency ("Illinois EPA") **accepts with a condition** the Compliance Commitment Agreement ("CCA") proposed by Freeman United dated May 19, 2005 in response to the Violation Notice dated March 11, 2005. The CCA as proposed by Freeman United is as follows:

1. The term of this Agreement shall be two years from the date of the Agency's acceptance of this proposal.

2. During the term of this Agreement:

   a. Freeman will continue to maintain the forms of treatment, as set out in the May 19, 2005 CCA, to control the manganese levels in the discharge from Pond 19;

   b. Freeman will monitor the effluent discharging from Pond 19 as required by page 12 of the permit, except that;

   c. Freeman will monitor the rate of flow from the pond.

3. Not later than sixty (60) days before the expiration of the term of this Agreement, Freeman will seek to meet with the Agency, at a time and place mutually convenient, to review the status of Pond 19 and to determine whether any further action is required regarding Pond 19 and the drainage area it serves.

Exhibit 1C

Pursuant to Section 31 (a) (7) of the Illinois Environmental Protection Act, the Illinois EPA proposes the addition of the following condition to the CCA. During the term of the CCA, Freeman shall monitor and report the parameter of manganese at Outfall 019 as required by page 4 of the current NPDES Permit. Failure to fully comply with each of the commitments and the schedule for achieving each commitment as contained in the CCA may, at the sole discretion of the Illinois EPA, result in referral of this matter to the Office of the Attorney General, the State's Attorney or the United States Environmental Protection Agency.

The CCA does not constitute a waiver or modification of the terms and conditions of any license or permit issued by the Illinois EPA or any other unit or department of local, state or federal government or of any local, state or federal statute or regulatory requirement. All required permits or licenses necessary to accomplish the commitments stated above and comply with all local, state or federal laws, regulations, licenses or permits must be acquired in a timely manner. The need for acquisition of any licenses or permits does not waive any of the times for achieving each commitment as contained in the CCA.

Questions regarding this matter should be directed to Barb Conner at 217/782-9720. Written communications should be directed to Beverly Booker at the Illinois Environmental Protection Agency, Bureau of Water, CAS #19, P.O. Box 19276, Springfield, IL 62794-9276, and all communications shall include reference to your Violation Notice Number W-2005-00167.

Sincerely,

Michael S. Garretson/bb

Michael S. Garretson, Manager
Compliance Assurance Section
Bureau of Water

NOTE: ON 6/20/05 RON MORRIS CALLED AND SAID TO SAMPLE MANGANESE QUARTERLY AND SEND RESULTS TO HIM & KRUSIP.

Modification Date: July 21, 2003

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day 30 DAY AVERAGE	LOAD LIMITS lbs/day DAILY MAXIMUM	CONCENTRATION LIMITS mg/l 30 DAY AVERAGE	CONCENTRATION LIMITS mg/l DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
From the effective date of this Permit until February 28, 2004 the effluent of the following discharge(s) shall be monitored and limited at all times as follows:						
Outfalls*:	018, 019 (Acid Mine Drainage)					
Flow (MGD)					Measure When Monitoring	
Total Suspended Solids			35.0	70.0	***	Grab
Iron (total)			3.5	7.0	***	Grab
pH	The pH shall not be less than 6.0 nor greater than 9.0				3/month	Grab
Alkalinity/ Acidity	Total acidity shall not exceed total alkalinity				1/month	Grab
Sulfates				1800	***	Grab
Chlorides				500	***	Grab
Manganese (total)			2.0	4.0	***	Grab

*Outfalls permitted herein are also subject to the limitations and monitoring and reporting requirements of Special Condition No. 11.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during base flow conditions. A "no flow" situation is not considered to be a sample of the discharge. A grab sample of each discharge caused by the following precipitation event(s) shall be taken for the following parameters during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). The remaining three (3) samples may be taken from either base flow or during precipitation event.

Any discharge or increase in volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 2-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 2-year, 24-hour precipitation event for this area is considered to be 3.02 inches.

Pollutant or Pollutant Property	Effluent Limitations
Iron	7.0 mg/l daily maximum
Settleable Solids	0.5 ml/l daily maximum
pH	6.0 - 9.0 at all times

Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 2-year, 24-hour precipitation event, but less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b).

Pollutant or Pollutant Property	Effluent Limitations
Settleable Solids	0.5 ml/l daily maximum
pH	6.0 - 9.0 at all times

In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.45 inches.

Pollutant or Pollutant Property	Effluent Limitations
pH	6.0 - 9.0 at all times

[redacted]12

Modification Date: July 21, 2003

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day 30 DAY AVERAGE	LOAD LIMITS lbs/day DAILY MAXIMUM	CONCENTRATION LIMITS mg/l 30 DAY AVERAGE	CONCENTRATION LIMITS mg/l DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
Upon completion of Special Condition No. 8 and approval from the Agency, the effluent of the following discharges shall be monitored and limited at all times as follows:						
Outfalls*: 018, 019 (Reclamation Area Drainage)						
Flow (MGD)					Measure When Monitoring	
Settleable Solids				0.5 ml/l	1/month	Grab
pH	The pH shall not be less than 6.0 nor greater than 9.0				1/month	Grab
Sulfates				1800	1/month	Grab
Chlorides				500	1/month	Grab

*Outfalls permitted herein are also subject to the limitations and monitoring and reporting requirements of Special Condition No. 11.

In addition to the above base flow sampling requirements, a grab sample of each discharge caused by the following precipitation event(s) shall be taken (for the following parameters) during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10 year, 24 hour precipitation event for this area is considered to be 4.45 inches.

Pollutant or Pollutant Property	Effluent Limitations
pH	6.0 - 9.0 at all times

EXHIBIT 1D

KEY-AG®

Key Agricultural Services, Inc.

114 Shady Lane • Macomb, Illinois 61455 • Tel: (309) 833-1313

Manganese Case Study
Freeman Mine – Industry, Illinois

Introduction

Retention pond 19 located southwest of the intersection of County roads 125 North and 900 East in McDonough County has been testing above acceptable levels for Manganese (Mn) concentration.

Soil Scientists with Key Agricultural Services Inc. were digging soil pits to an approximate depth of 50 inches and noted that Mn concretions are common throughout the soil profile below the surface horizon. The presence of the Mn accumulations in the shallow depths of the soil profile raises the question as to whether the Mn levels found in the pond water are elevated due to acid rock drainage, or to the natural Mn concentrations associated with the parent material and soil forming factors of the undisturbed soils common to the region.

The dominant soil types originally located in the area of the mine that now drain into the pond are Rozetta and Keomah. The NRCS soil profile descriptions for the Rozetta and Keomah soil series note the presence of Mn accumulations beginning at 26 inches and the soil surface, respectively. Due to the natural occurrence of accumulated Mn in the undisturbed soil profiles it is possible that the concentration of Mn in the water of the pond is originating from the inherent concentrations of Mn and not that of acid rock drainage.

Methods

Six sample sites were selected in an undisturbed area adjacent to the mine location. Three of those sites were located in Rozetta and three in Keomah soils. Six corresponding sites were chosen from the reclaimed fields that drain into the pond. Three of the reclaimed sites represent the topographic-position of a Rozetta and three represent that of a Keomah soil.

Six inch soil samples were taken to a depth of 72 inches at each of the 12 locations. Each sample was analyzed in the laboratory for pH and Mn concentration.

The data obtained was then plotted by depth and comparisons were made between the values found in the undisturbed sites versus that of the reclaimed sites. Statistical significance was determined within each sample depth and calculated at 95% confidence.

KEY-AG

Summary of Results

pH

The pH levels found in the reclaimed soils ranged from 4.91 to 7.02. The pH levels found in the undisturbed soils ranged from 4.42 to 6.87.

The average pH of the undisturbed samples in each six inch sample range as well as over the entire profile was lower than that of the reclaimed soils (Table 1). The lowest pH readings obtained in each depth increment were all found in the undisturbed samples with the exception of the 60-66 inch range where both the reclaimed and undisturbed soils had a low pH of 5.39.

The lowest pH level found at each sample depth in the reclaimed soil profiles were never lower than the lowest pH level found at the same sample depth of the undisturbed soils (Graph 1).

In the surface 12 inches of all profiles, 3 of the 4 (75.0%) pH levels that were significantly lower were from the undisturbed soil profiles. In the upper 36 inches 15 of the 16 (93.75%) samples with significantly lower pH were from the undisturbed soils. From 36 to 72 inches 10 of the 16 (62.5%) samples with significantly lower pH levels were from the undisturbed soil profiles.

In the 12 sample depths tested, 2 (16.67%) depths had more reclaimed samples with significantly lower pH levels than undisturbed samples and the remaining 10 (83.33%) sample depths had more undisturbed samples with significantly lower pH levels than reclaimed samples (Graph 1).

A total of 72 samples were collected and analyzed for each of the reclaimed and undisturbed soils. 7 (9.72%) reclaimed samples and 25 (34.72%) undisturbed samples had significantly lower pH levels than the other samples collected at those depths.

Manganese

In all but one of the 12 soil profiles collected the Mn concentrations decreased from the surface sample down to 18 inches. The Mn content in most samples remained at relatively minimal levels from 12 to 72 inches, ranging from 8.9 to 67.8 ppm. At each sample depth one to five samples were found to be significantly higher in Mn than the rest of the samples at that same depth (Graph 2).

The reclaimed soil profiles contain less total Mn than the undisturbed soils both on average and in total from 0-12 inches, 30-72 inches, and through the entire 72 inch profile. The reclaimed soils contained more Mn than the undisturbed soils only through the 12-30 inch range (Table 2).

In the surface 12 inches of all profiles, 6 of the 7 (85.71%) Mn levels that were significantly higher were from the undisturbed soil profiles. In the upper 36 inches 10 of the 18 (55.56%) samples with significantly higher Mn concentrations were from the undisturbed soils. From 36 to 72 inches 11 of the 14 (73.33%) samples with significantly greater Mn concentrations were from the undisturbed soil profiles.

In the 12 sample depths tested, 2 (16.67%) depths had more reclaimed samples with significantly high Mn levels than undisturbed samples, 2 (16.67%) depths had equal incidences of

significantly high Mn levels between the undisturbed and reclaimed samples, and 8 (66.67%) had more undisturbed samples with significantly high Mn concentrations than reclaimed samples (Graph 2).

A total of 72 samples were collected and analyzed for each of the reclaimed and undisturbed soils. 12 (16.67%) reclaimed samples and 21 (29.17%) undisturbed samples had significantly higher Mn concentrations than the other samples collected at those depths.

Conclusions

Although all twelve soil profiles tested have lower pH levels than typically recommended for the row crops planted in the region, the pH of the reclaimed soils is higher than that of the undisturbed soils indicating there is not increased acidity due to acid rock. This data also shows the Mn levels found in both the surface and sub-surface of the undisturbed soil profiles are higher than those found in the reclaimed soils and the undisturbed samples have far more incidences of significantly high Mn concentration than the reclaimed soils. Therefore, the Mn levels found in the water of retention pond 19 are most likely due to the naturally occurring Mn levels of the soil material in the region and not due to acid rock drainage.

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Comparison of pH Data

Table 1	Undisturbed Samples		Reclaimed Samples	
Sample Depth (inches)	Average pH	Lowest pH	Average pH	Lowest pH
0-6	5.75	5.23	6.19	5.31
6-12	5.28	4.52	5.95	5.04
12-18	4.83	4.59	5.55	4.98
18-24	4.75	4.42	5.49	5.01
24-30	4.80	4.47	5.67	4.91
30-36	4.96	4.49	5.60	4.97
36-42	5.16	4.65	5.61	4.99
42-48	5.14	4.73	5.78	5.02
48-54	5.39	4.92	6.06	5.08
54-60	5.63	5.20	6.10	5.38
60-66	5.79	5.39	5.96	5.39
66-72	5.87	5.29	5.83	5.40

= the lowest value for that depth when comparing Undisturbed and Reclaimed sites.

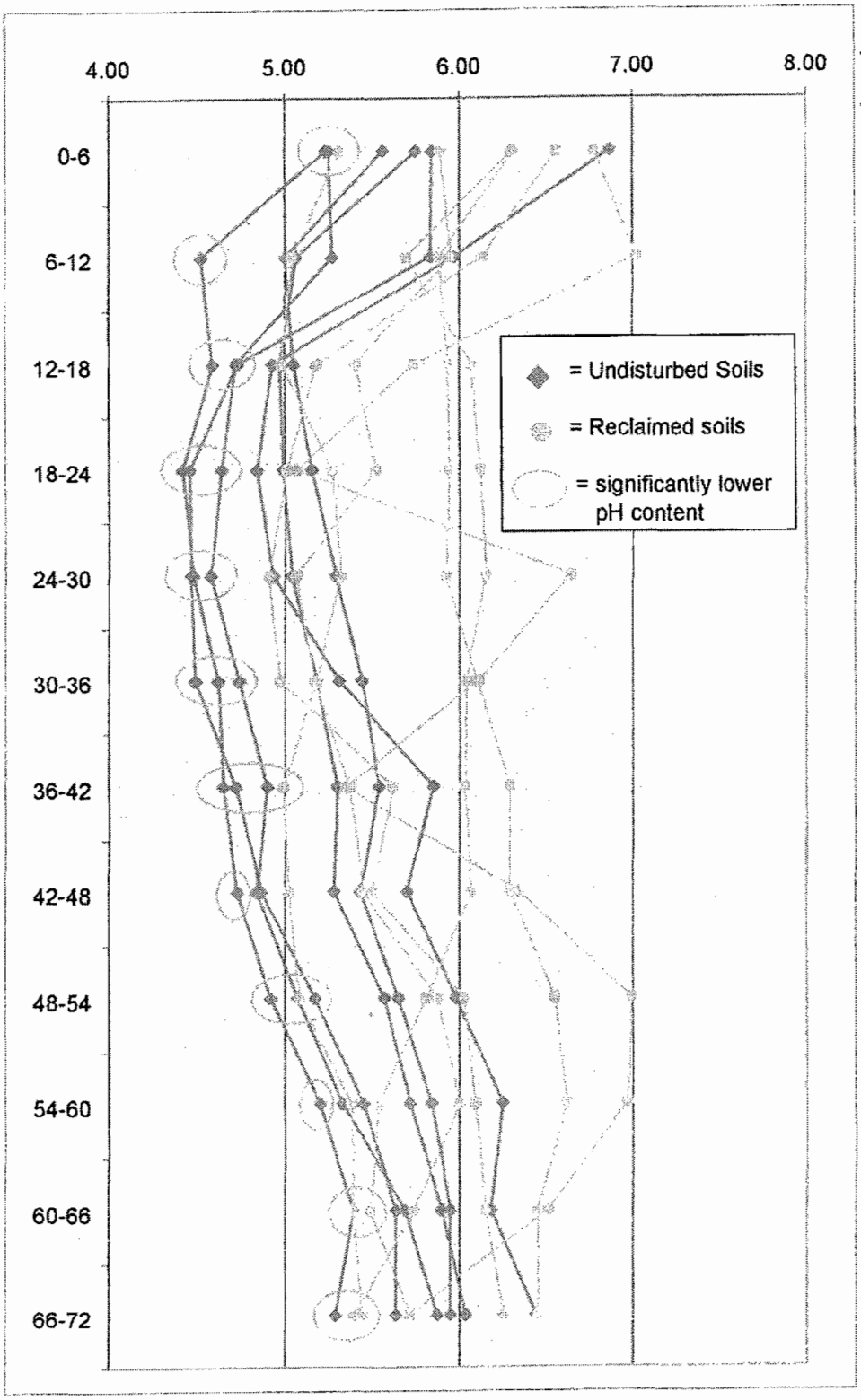
Comparison of Mn Data

Table 2	Undisturbed Samples		Reclaimed Samples	
Sample Depth (inches)	Average Mn	Highest Mn	Average Mn	Highest Mn
0-6	128.52	188.50	86.22	106.10
6-12	76.75	132.10	65.58	115.10
12-18	43.35	81.50	53.38	124.80
18-24	25.73	36.90	54.98	139.40
24-30	28.03	38.70	54.08	130.40
30-36	59.85	90.80	52.30	128.60
36-42	78.02	216.30	46.65	150.20
42-48	68.90	140.20	41.55	103.10
48-54	65.28	115.50	45.47	96.20
54-60	74.60	197.40	36.07	73.20
60-66	65.82	111.20	31.32	45.80
66-72	47.82	60.80	37.70	56.30

= the highest value for that depth when comparing Undisturbed and Reclaimed sites.

KEY-AG

Graph 1) **pH with Depth**

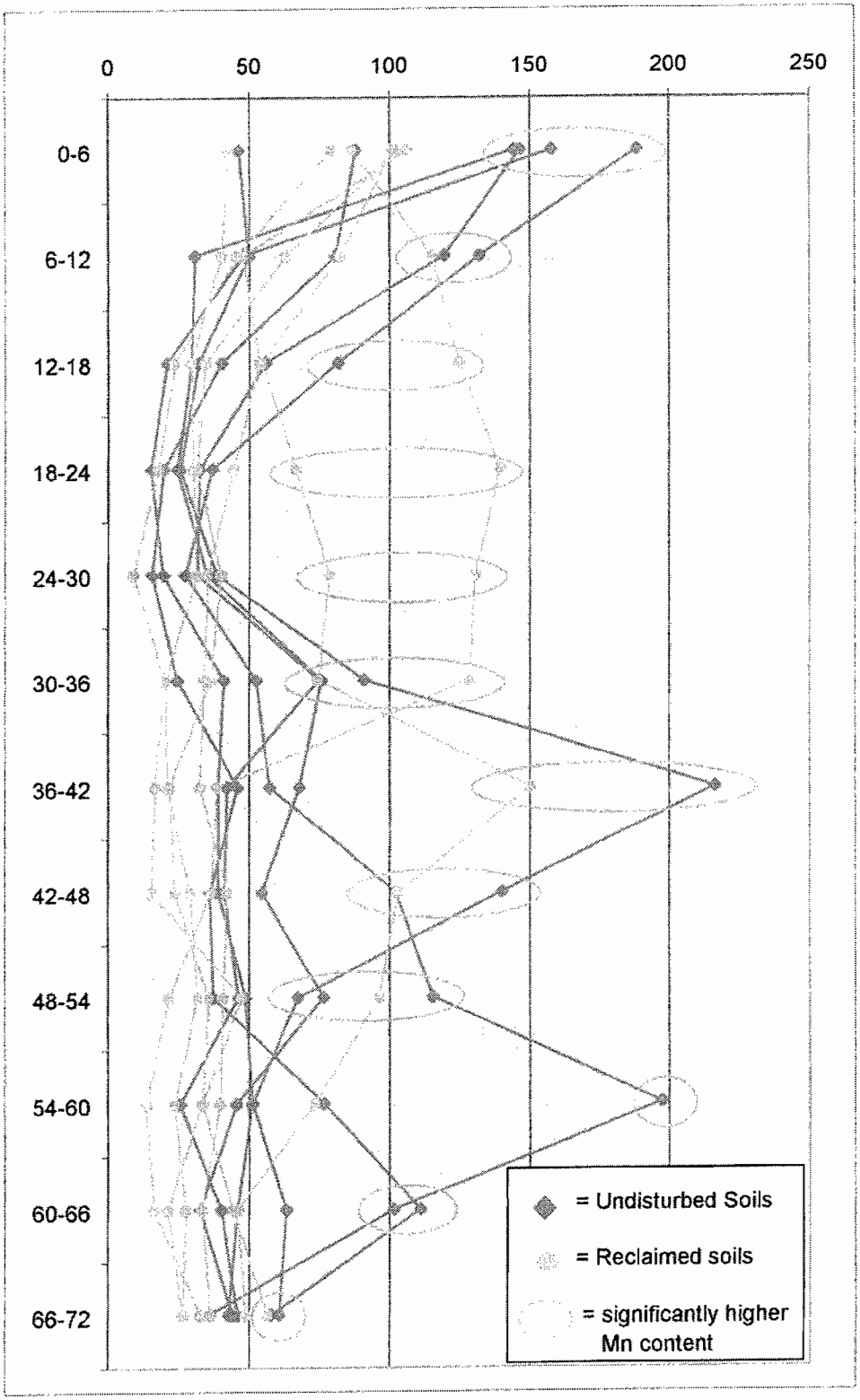


Incidences of significantly (95%) lower pH concentrations	
Undisturb.	**Reclaimed**
2	1
1	0
3	0
3	0
3	0
3	0
3	1
1	0
3	1
1	0
1	2
1	2
25	7

Total incidences of significantly lower pH levels in the soils =

KEY-AG

Graph 2) Mn Concentration with Depth



Incidences of significantly (95%) higher Mn concentrations	
Undisturb.	Reclaimed
4	0
2	1
1	1
0	2
0	2
3	2
1	1
2	1
3	1
1	0
2	0
2	1
21	12

Total incidences of significantly higher Mn Concentrations in the soils =

EXHIBIT 1E

FREEMAN UNITED

Freeman United Coal Mining Company

March 30, 2007

Ms. Barb Conner
Illinois EPA, Bureau of Water
CAS #19, P.O. Box 19276
Springfield, IL 62794-9276

Re: Industry Mine
NPDES Facility I.D. IL0061247
Violation Notice: W-2005-00167
Pond 19 Compliance Commitment Agreement Status

Dear Ms. Conner,

With regard to the status of the Compliance Commitment Agreement conditionally accepted by the Agency on June 16, 2005, Freeman United Coal Mining Company responds as follows:

Pond 19 Discharges

The outfall from Pond 19 has been monitored as a reclamation area drainage outfall (with additional Total Manganese monitoring) since the term of this agreement began. During this term, the base flow at the outfall has decreased from 80 to 95 gallons per minute to a level of 20 to 30 gallons per minute. Thirty-one samples have been analyzed for Total Manganese during the term; of these, 12 have been below 2 mg/L, the 30-day average standard, 9 have been in the range of 2 to 4 mg/L, and 10 have exceeded the maximum standard level of 4 mg/L. The exceedances, much less frequent than in the previous 2-year period, have occurred despite continued regular treatment of the influent to the pond and the pond itself. For the other parameters monitored, there have been no exceedances of permit limits for pH, Total Settleable Solids, and Chlorides. There have been 8 exceedances of the permit limit for Sulfates; however these would not have been exceedances under the proposed standard currently under review by the Illinois Pollution Control Board.

Upstream Drainage Area Study

In the Spring of 2006, Key Agricultural Services, Inc. was retained to determine problems with crop productivity results in several areas at the Industry Mine, including the area up-drainage of Pond 19. When penetrometer readings in that area had high values, they decided to dig test pits to possibly determine the cause. In those test pits, they discovered several manganese nodules, so they were retained to explore this further.

Six test pits each were excavated in similar soils unaffected by the mining operation and in those that were reclaimed up-drainage of Pond 19. Soils in the pits were sampled at 6 inch intervals from the ground surface to six feet below the surface. The samples were analyzed for paste pH and Manganese leachate (Mehlich No. 3 Extraction [with 2.5 pH Reagent]). Results indicated low pH levels in both groups at all levels (lowest

PO Box 259
Farmersville, IL 62533
Tel 217 627-2161
Fax 217 627-3411

4.42 units in the unaffected soils and 4.91 units in the reclaimed soils) as well as high Manganeseat all levels (as high as 216.3 mg/L in the unaffected soils and 150.2 mg/L in the reclaimed soils). The lowest average (6 samples each at each 6" interval in the pits) Manganese levels were 36.9 mg/L in the unaffected soils at the 18-24" interval and 45.8 mg/L in the reclaimed soils at the 60-66" interval.

The study (copy enclosed) concluded that "the Manganese levels found in the water of Pond 19 are most likely due to the naturally occurring Manganese levels of the soil material in the region and not due to acid rock drainage."

Compliance Commitment Agreement

1. The term of this agreement shall be two years from the date of the Agency's acceptance of this proposal.

2. During the term of this agreement:

   a. Freeman will continue to maintain the forms of treatment, as set out in the May 12, 2005 letter to the Agency, to control the manganese levels in the discharge from Pond 19;

   b. Freeman will continue to monitor the effluent from Pond 19 as a Reclamation Area Discharge one time per month with the following parameters monitored: pH, Total Settleable Solids, Sulfates, Chlorides, Total Manganese, and Flow Rate.

   c. Freeman will monitor the influent to Pond 19 and Grindstone Creek downstream from the Pond 19 effluent monthly when monitoring the Pond 19 effluent with the following parameters monitored: pH and Total Manganese.

3. Not later than sixty (60) days before the expiration date of the term of this Agreement, Freeman will seek to meet with the Agency, at a time and place mutually convenient, to review the status of Pond 19 and to determine whether any further action is required regarding Pond 19 and the drainage area it serves.

Respectively submitted,

FREEMAN UNITED COAL MINING COMPANY

By: Steven C. Phifer

Steven C. Phifer, Environmental Engineer

PO Box 259
Farmersville, IL 62533
Tel 217 627-2161
Fax 217 627-3411

EXHIBIT 1F

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 – (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 – (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

217/782-9720

CERTIFIED MAIL # 7004 2510 0001 8619 5959
RETURN RECEIPT REQUESTED

July 13, 2007

Mr. Steven C. Phifer
Freeman United Coal Mining Company
P.O. Box 259
Farmersville, Illinois 62533

Re: Compliance Commitment Rejection
Violation Notice: W-2005-00167
Facility ID: IL0061247-Industry Mine Outfall 019

Dear Mr. Phifer:

The Illinois Environmental Protection Agency ("Illinois EPA") received the information concerning the above referenced project dated March 30, 2007, on April 2, 2007. This information has been reviewed by Illinois EPA staff and, based upon that review, the following is offered for your consideration and appropriate action. The request for extension of the original Compliance Commitment Agreement (CCA) dated May 19, 2005, is hereby rejected because this request appears to only propose continuation of treatment and monitoring as in the previous CCA, and fails to set forth a plan to address the underlying issue in an attempt to arrive at an ultimate resolution.

An acceptable CCA Extension request must include a feasible and implementable compliance plan designed to result in an ultimate resolution to the current elevated manganese concentrations in the discharge at Outfall 019 and subsequent water quality standards violations. The compliance plan must ultimately result in consistent compliance with the General Use Water Quality Standard as specified in 35 Ill. Adm. Code 302.208.

The Illinois EPA remains willing to evaluate any proposal you may have to address the specified deficiencies or to meet for discussion of possible alternatives. If you wish to submit a further proposal to resolve this matter short of formal enforcement, please do so by September 1, 2007. However, even though a proposal may be the subject of further consideration, it will not be considered to be a CCA as referenced in Section 31(a) of the Illinois Environmental Protection Act (415 ILCS 5/31(a)).

Exhibit 1F

If the violations remain the subject of disagreement between the Illinois EPA and Freeman United Coal Mining Company, this matter may be considered for referral to the Office of the Attorney General, the State's Attorney or the United States Environmental Protection Agency for formal enforcement action and the imposition of penalties.

Any written communication should be directed to Beverly Booker at the Illinois Environmental Protection Agency, Bureau of Water, CAS #19, P.O. Box 19276, Springfield, IL 62794-9276. All communication shall include reference to your Violation Notice W-2005-00167. If you have questions regarding this matter, please contact Barb Conner or Larry Crislip at 217/782-9720 or 618/993-7200.

Sincerely,

Michael S. Garretson, Manager
Compliance Assurance Section
Bureau of Water

EXHIBIT 1G

FREEMAN UNITED

Freeman United Coal Mining Company

Crown Mine III
P.O. Box 259
Farmersville, IL 62533-0259
(217) 627-2161
Fax: (217) 627-3411

August 14, 2007

Mr. Ronald Morse
Illinois Environmental Protection Agency
2309 West Main Street
Marion, Illinois 62959

Re: NPDES Permit Transfer
Industry Mine, Permit No. IL0061247

Dear Mr. Morse,

We are herein requesting transfer of the above listed permit from Freeman United Coal Mining Company to Springfield Coal Company, L.L.C, effective no sooner than September 1, 2007. Ownership and control information for the new permittee is attached.

Per your request, I am enclosing 2 copies of an ownership change map for the mine. Although a portion of the property will be transferring to another party, Springfield Coal Company, LLC will retain all permits and will continue to have access as required for reclamation of the properties. In addition, all surface and ground water monitoring will continue to be the responsibility of Springfield Coal Company, LLC.

Location names and contact information for all the former Freeman facilities will remain as they were previously. The Springfield office address will be P.O. Box 9320, Springfield, IL 62791-9320; its location will be 4440 Ash Grove, Suite A, Springfield, IL 62708.

Respectfully,

FREEMAN UNITED COAL MINING COMPANY

BY: _____
Thomas Austin, V.P.

SPRINGFIELD COAL COMPANY, L.L.C.

BY: _____
Phillip Ott, V.P.

Exhibit 1G

EXHIBIT 1H

FREEMAN UNITED

Freeman United Coal Mining Company

August 30, 2007

Ms. Beverly Booker
Illinois EPA, Bureau of Water
CAS #19, P.O. Box 19276
Springfield, IL 62794-9276

Re: Industry Mine
NPDES Facility I.D. IL0061247
Violation Notice: W-2005-00167
Pond 19 Compliance Commitment Agreement

Dear Ms. Booker,

In response to the Agency's July 13, 2007 rejection of our March 30, 2007 request for extension of the Compliance Commitment Agreement (CCA) for Pond 19 at the Industry Mine, I herein respond as follows:

Repair and modification of the Industry Mine Pond 19 decant structure this summer allows the mine personnel additional flexibility in controlling discharges from the pond at Outfall 019. Installation of a valve on the discharge piping allows periodic discharges. In addition, a pump that will allow better mixing between the upper and lower portions of the pond has been put in place at the pond. These actions allow us to present the following proposal:

Pond 19 Proposal

1. The term of this agreement shall be two years from the date of the Agency's acceptance of this proposal.

2. During the term of this agreement:

   a. Freeman will continue to maintain the forms of treatment, as set out in the May 12, 2005 letter to the Agency, to control the manganese levels in the discharge from Pond 19;

   b. Except during periods of higher flows in Grindstone Creek in response to larger precipitation events, Freeman will endeavor only to discharge water from Pond 19 only when the Total Manganese level in the pond is below the permit limits as determined by on-site monitoring.

PO Box 259
Farmersville, IL 62533
Tel 217 627-2161
Fax 217 627-3411

c. Freeman will continue to monitor the effluent from Pond 19 as a Reclamation Area Discharge one time per month with the following parameters monitored: pH, Total Settleable Solids, Sulfates, Chlorides, Total Manganese, and Flow Rate.

d. Freeman will monitor Grindstone Creek downstream from the Pond 19 effluent monthly when monitoring the Pond 19 effluent with the following parameters monitored: pH and Total Manganese.

3. During the term of this Agreement, Freeman will continue to explore alternatives to treatment of the water in Pond 19 that would result in an ultimate resolution and water quality in consistent compliance with the General Use Water Quality Standard.

4. Not later than sixty (60) days before the expiration date of the term of this Agreement, Freeman will seek to meet with the Agency, at a time and place mutually convenient, to review the status of Pond 19 and to determine whether any further action is required regarding Pond 19 and the drainage area it serves.

Respectively submitted,

FREEMAN UNITED COAL MINING COMPANY

By: Steven C. Phifer

Steven C. Phifer, Environmental Engineer

PO Box 259
Farmersville, IL 62533
Tel 217 627-2161
Fax 217 627-3411

EXHIBIT 1I

SPRINGFIELD COAL CO.

Springfield Coal Company, LLC

Crown Mine III
P.O. Box 259
Farmersville, IL 62533-0259
(217) 627-2161
Fax: (217) 627-3411

April 21, 2010

Chad Kruse
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
1-217-782-2829

Re: Violation W-2009-00306

Dear Mr. Kruse,

Mr. Larry Crislip suggested that we send this letter to you to clarify an issue arising around Violation W-2009-00306. Title 35, Subtitle D, 406.106 b) 2) provides in pertinent part: "*The manganese effluent limitation is applicable only to discharges from facilities where chemical addition is required to meet the iron or pH effluent limitations. The upper limit of pH shall be 10 for any such facility that is unable to comply with the manganese limit at pH 9.*" As described in the letter we submitted to you dated February 18, 2010, chemical treatment is to be utilized at Pond 18 and Pond 19 to comply with the manganese standards set forth in NPDES permit for facility # IL0061247. As a result, although the upper limit of pH is 9 in the NPDES permit, a pH greater than 9 yet less than 10 should not be an excursion. Please confirm. On March 11, 2010 a NPDES sample at Pond 19 outfall had a pH of 9.04.

If you should have any questions regarding this request or require further information, please contact me at your convenience.

Sincerely,
Springfield Coal Company, LLC

Andrew R. Ditch
Environmental Engineer
1.217.627.2161 ext 229

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Chad Kruse
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Illinois Environmental Protection Agency ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
Springfield, IL 62794-9276 APR 20 2012

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Warren Vilt

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

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PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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Mr. Chad Kruse
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

7008 1830 0005 0473 0428

EXHIBIT 1J

PRELIMINARY DRAFT

ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED FREEMAN UNITED COAL MINING COMPANY

INDUSTRY MINE SITE

June 19, 1979

Prepared by:

ENVIRONMENTAL SCIENCE AND ENGINEERING, INC.
Gainesville, Florida 32604

Project No. 78-023-120

2.7 SURFACE WATER QUALITY

2.7.1 INTRODUCTION

Three small surface streams within the boundaries of the Freeman Coal property were sampled during 1978 to determine the quality of the water flowing through the proposed mining area (see Figure 2.7-1). Grindstone Creek, the largest stream, originates east of the property and flows through the Freeman Coal tract before intersecting the large LaMoine River. Samples from Grindstone Creek were collected at two locations, one on the eastern boundary and the other at the western boundary of the Freeman Coal tract (see Figure 2.7-1). Willow Creek originates within the Freeman Coal property and exits at the southwestern corner of the site. Sampling for this study was conducted at the southwestern corner. Horney Creek is located south of the property, but intersects the proposed haul road. Samples were collected from this intersection. Four seasonal sampling periods were included in the study, with samples collected on May 17, August 8, November 14, and December 19, 1978. Samples were collected during all four periods from the two locations on Grindstone Creek; however, no sample was collected from Willow Creek in August because the streambed was dry at the sampling time. The Horney Creek site was not initially included in the study; therefore only the fall and winter (November and December) samples were collected from the stream (see Table 2.7-1).

No past water quality data is available for the three streams sampled in this study. The closest regular water quality monitoring station is located on the LaMoine River into which the previously mentioned tributary streams flow.

2.7.2 PRESENT WATER QUALITY

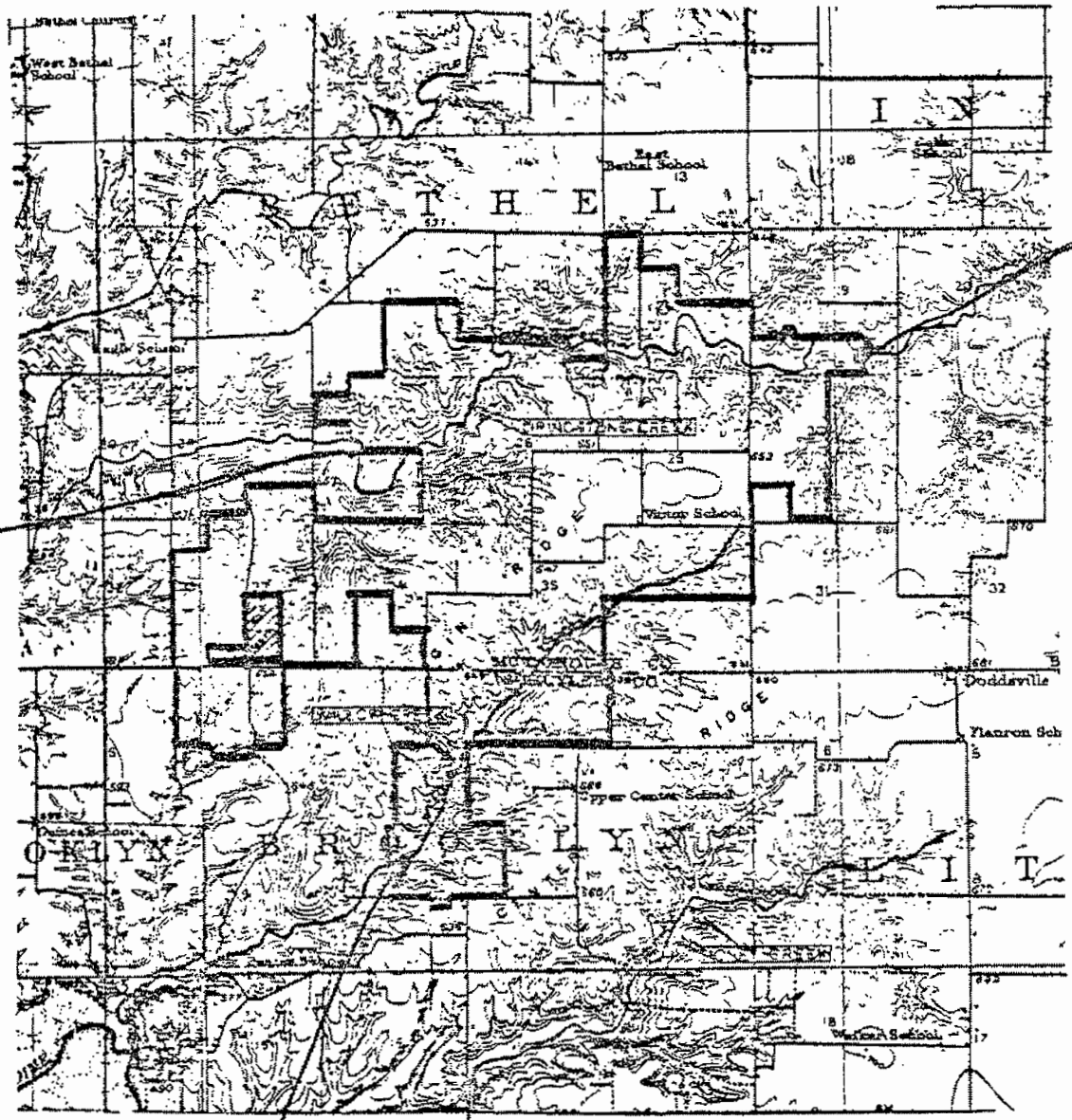
Physical Parameters

Physical parameters measured included discharge, temperature, dissolved oxygen, pH, turbidity and dissolved, suspended, and total solids.

Table 2-7-1 Mean and range of surface water quality parameters measured on the FUCMC property during 1978.

Parameter	Location[a] 1800 Road: Upper[b] Grindstone	900 Road: Lower[b] Grindstone	Willow[c] Creek	Honey[d] Creek	Criteria[e]
Discharge (cfs)	68.7	96.2	6.4	0.4	
Temperature (°C)	11.0[f]	13.0	8.0	6.0	
	2.0-25.0	3.0-29.0	3.0-11.0	4.0-8.0	
pH	7.8	7.9	8.0	7.7	6.5-9.0
	7.2-8.3	7.5-8.4	7.5-8.2	7.2-8.2	
Dissolved Oxygen	6.9	10.1	9.9	9.2	5.0
(mg/l O_2)	1.6-10.4	5.8-11.9	6.8-12.6	4.6-13.8	
Dissolved Solids	472	416	666	471	
(mg/l)	363-584	383-467	271-1051	468-475	
Suspended Solids	33.5	31.4	11.5	<10.0	
(mg/l)	5.0-59.0	6.0-46.0	1.0-21.0	<1-19.0	
Total Solids	502	465	695	501	
(mg/l)	393-635	423-529	291-1107	486-515	
Turbidity	0.71	0.69	0.56	0.30	
(NTU)	0.16-2.0	0.28-1.8	0.23-1.2	0.27-0.32	
Acidity	8.7	7.5	6.7	22.0	
(mg/l $CaCO_3$)	5.0-12.0	5.0-9.0	6.0-8.0	6.0-38.0	
Alkalinity	235	226	54	207	>20
(mg/l $CaCO_3$)	160-302	158-282	26-94	160-254	
Hardness	340	331	456	375	
(mg/l $CaCO_3$)	253-452	256-384	215-682	362-388	
Fecal Coliform	79	<243	148	65	<200
(MPN/100 ml)	3-170	<10-920	24-350	22-107	
Total Phosphorus	0.79	0.08	0.06	<0.03	
(mg/l P)	0.06-2.24	0.07-0.09	0.01-0.16	<0.005-0.046	
Ammonia Nitrogen	<0.72	<0.20	<0.15	0.4	0.02
(mg/l NH_3-N)	<0.1-1.80	<0.1-0.40	<0.1-0.20		
Inorganic Nitrogen	12.9	<10.7	<2.33	<1.10	
(mg/l N)	0.18-44.6	<0.12-39.5	<0.12-4.7	<0.12-<2.1	
Inorganic Carbon	23.1	33.8	8.1	29.4	
(mg/l C)	3.5-47.9	4.7-62.9	2.3-13.2	9.6-49.1	
Sulfates	85.6	82.5	363	173	
(mg/l SO_4)	48.3-135	48.9-130	82.6-601	147-199	
Phenols	<20	<10	<40	<5	1.0
(ug/l)	<5-43	<5-7.7	<5-100	4.9-<5	
Total Iron	1.32	0.95	<0.10	0.15	1.0
(mg/l Fe)	0.30-3.54	0.44-1.50	0.09-<0.10	0.13-0.16	0.3[g]
Fluoride	0.24	0.22	0.17	0.18	
(mg/l F)	0.20-0.29	0.20-0.25	0.15-0.22	0.15-0.21	
Arsenic	<10	<10	<4	<10	50[g]
(ug/l As)	<5-7.0	<5-<10	<0.1-5.7	<5-<10	
Total Chromium	<5.0[h]	<5.0	<5.0	<5.0	100
(ug/l Cr)					50[g]
Copper	<100[h]	<100	<100	<100	1000[g]
(ug/l Cu)					
Manganese	2.83	0.98	<0.046	0.21	.05[g]
(mg/l Mn)	0.088-10.4	0.115-2.20	0.038-<0.05	0.176-0.240	
Mercury	<2.0[h]	<2.0	<2.0	<2.0	0.05
(ug/l Hg)					2.0[g]
Lead	<5.0[h]	<5.0	<5.0	<5.0	50[g]
(ug/l Pb)					
Zinc	<100[h]	<100	<100	<100	5000[g]
(ug/l Zn)					
Pesticides (ug/l)[i]					
Aldrin	<0.01-<0.05	<0.01-<0.05	<0.01-<0.05	<0.05[h]	0.003
Dieldrin	<0.01 <0.05	<0.01 <0.05	<0.01 <0.05	<0.05	0.003
Chlordane	<0.3-0.6	<0.03-0.3	<0.3-0.4	<0.3	0.01
DDT	<0.01-<0.10	<0.01-<0.10	<0.01-<0.10	<0.10	0.001
Endrin	<0.10[h]	<0.10	<0.10	<0.10	0.004
Lindane	<0.01-<0.05	<0.01-<0.05	<0.01-<0.05	<0.05	0.01
Heptachlor	<0.01-<0.05	<0.01-<0.05	<0.01-<0.04	<0.05	0.001
Heptachlor Epoxide	<0.05-0.06	0.03-<0.05	0.02-<0.05	<0.05	
Methoxychlor	<0.10[h]	<0.10	<0.10	<0.10	0.03

[a] Location of streams and sampling sites is illustrated in Figure
[b] Four seasonal samples were collected at these sites.
[c] Three samples were collected at this site.
[d] Two samples were collected at this site.
[e] Unless otherwise noted, criteria are those recommended for the protection of fish and aquatic life.
[f] Top number is mean value, bottom numbers indicate range.
[g] Criteria for domestic water supplies.
[h] All values less than the detection minimum limit.
[i] Only the range of pesticide values is presented.



Proposed Industry Mine

Freeman United
Coal Mining
Company

EXHIBIT 1K

Reclamation

Freeman United Coal Mining Company

P. O. Box 570
Canton, Illinois 61520

I N D U S T R Y M I N E

Surface Disturbance
~~Permit Application~~

T4N - R2W - and - R3W - McDonough County, Illinois
T3N - R3W - Schuyler County, Illinois

VOLUME I

Table of Contents, Application & Appendices

Exhibit 1K

FREEMAN UNITED COAL MINING COMPANY
DIVISION OF MATERIAL SERVICE CORPORATION
300 WEST WASHINGTON STREET · CHICAGO, ILLINOIS 60606 · 312/263-2600
FIELD OFFICE: BOX 570 · CANTON, ILLINOIS 61520 · 309/647-0855

July 9, 1979

Mr. Douglas Downing, Supervisor
Land Reclamation Division
Dept. of Mines & Minerals
227 South Seventh, Suite 204
Springfield, IL 62706

Dear Mr. Downing:

Freeman United Coal Mining Company is hereby applying for a Surface Disturbance Coal Mining Permit for the proposed Industry Mine. The Industry Mine is a new surface mine and the plans are to mine the Colchester No. 2 coal seam in McDonough and Schuyler Counties. After the mine becomes fully operational approximately 500,000 tons of coal is to be mined annually. The Industry Mine has a design life in excess of fifteen (15) years.

Freeman United Coal Mining Company began acquiring property for the Industry Mine in 1947 and most of the property has been owned for more than twenty (20) years. The Industry Mine has been in the planning stages for several years. The Company has retained the mining equipment (1050-B shovel, W-3 wheel excavator, and haulage trucks) from the Banner Mine which was closed in 1974. This equipment will be reconditioned and used in the Industry Mine. In addition, on June 14, 1977, Freeman United Coal Mining Company submitted a NPDES questionnaire to the U.S. EPA, Region V; Permit Branch in accordance with 40 CFR 6.900. Upon receipt of the questionnaire, the U.S. EPA and the U.S. Army Corps of Engineers (COE) determined that : (1) an Environmental Impact Statement (EIS) would be required; and (2) the COE would be the lead federal agency for the EIS under provisions of its Section 404 permit. Preparation of the EIS has been ongoing since that date.

On May 31, 1979, the Board of Trustees of Muscatine Power and Water approved a fifteen year contract, subject to legal approval for the purchase of 700,000 tons of coal annually from Freeman United Coal Mining Company. Two-thirds of the coal requirements are to be supplied by the Industry Mine and one-third is to be supplied from Freeman United's existing mines.

A SD-1 Permit Application for the Industry Mine is enclosed. Necessary road closing agreements are pending negotiation and all agreements will be submitted as soon as they are completed. In addition, the EIS for the Industry Mine is nearly complete, and as soon as this document is submitted to the COE, then a copy will be submitted to the Department.

The Department's consideration of this application request is greatly appreciated. If there are any questions please feel free to contact us.

Sincerely,

DEW/jks
Attachments

Dale E. Walker

APPENDIX 8

HYDROLOGIC INFORMATION

6-a.

Willow and Grindstone Creeks are the two surface streams traversing the Freeman United Coal Mining Company's property. They are typical of Illinois dissected till plain streams, exhibiting their highest discharges in the spring and lowest flows in the late summer, when discharges may temporarily cease. During routine water quality sampling in 1978, the highest recorded discharges (at the sampling points shown on Map A (3)), for Willow and Grindstone Creeks were 6.4 and 96 cfs, respectively. No measurable flow was present during sampling in both August and November. Several small ephemeral channels intersect the two larger streams and these typically only have discharge in the spring or during major runoff events.

Both streams exhibit wide variations in water quality, and this may be directly related to discharge. During high flows, which are usually the result of runoff, suspended solids concentrations increase, carrying higher than normal concentrations of phosphorous, nitrogen, and organic detrital material. The highest phosphorous concentration measured was 2.24 mg/l; however, the average value was 0.35 mg/l. Suspended solids concentrations ranged from 12 to 59 mg/l and had a mean of 35 mg/l. Total dissolved solids concentrations are usually less than 500 mg/l, however a concentration of 1051 mg/l was measured in Willow Creek in low discharge in November, 1978. Dissolved solids concentrations generally increase with decreased discharge. Both creek are hardwater streams; average hardness was 361 mg/l; a value regarded as being very hard water. Sulfate values are normally less than 100 mg/l, but one concentration of 601 mg/l was recorded in Willow Creek in November.

Bacteriological quality is fair. The average fecal coliform concentration is 202 colonies per 100 ml. This compares to a standard of 200 colonies. The highest concentration recorded was 920 colonies per 100 ml.

Only two metallic constituents were measured in concentrations above state standards. Iron concentrations in Willow Creek were much below the 1.0 mg/l standard; however, six measurements in Grindstone Creek averaged 1.37 mg/l. Precipitation of dissolved iron may impair the viability of some sensititve aquatic species. Manganese concentrations should not exceed 1.0 mg/l (standard level) however, three of the six measurements in Grindstone Creek were above this level (2.46 mg/l average). Levels in Willow Creek were less than 0.05 mg/l.

Pesticide concentrations in the streams were usually below detection limits and below State criteria for water supplies. Small amounts of chlordane and heptachlor epoxide were detected in both streams, but should not pose a danger to either human or aquatic life.

(6-a. Cont.)

Physical characteristics of the streams may temporarily limit the productivity of the aquatic flora and fauna. The most obvious threat is lack of flow, and therefore habitat, during summer low or no flow periods. Water temperatures vary seasonally and range from 0^{o} to 30^{o} C. The higher temperatures usually coincide with summer low flows and this may temporarily depress dissolved oxygen levels below safe limits for aquatic fauna. Dissolved oxygen levels usually averaged above 8 mg/l at all sampling points, however significant diurnal variations occur. Early morning oxygen concentrations were often recorded below the 5 mg/l standard set for aquatic life. These temporary depressions appear not to harm the aquatic fauna as no fish kills were noted and fish were collected in these same stream segments during the sampling efforts in which the low measurements were recorded. Leaf litter and detrital deposits in the stream may be in part responsible for the low oxygen levels. Sedimentation of this material also influences the character of the bottom invertebrate fauna.

6-b.

The general land use of the watershed of Grindstone Creek is agricultural upstream from the proposed mining area. Willow Creek watershed begins within the proposed mining area and its' land usage is agricultural. The major potential pollution source on Grindstone Creek upstream from the proposed mining area would be surface runoff from the agricultural land.

6-c.

Public water supplies within ten miles of the proposed mining area are Colchester (7 miles) and Industry (3 miles).

6-d.

The mining operation should not have any effect on the public water supplies within ten miles. Both Colchester and Industry have wells which draw water from geologic units below the coal seam to be excavated. In addition, due to the attitude of bedrocks in the area and direction of surface flow, the flow of both surface and ground water in the vicinity of the proposed permit area is away from the Industry and Colchester wells. See Appendix 7, Hydrogeologic Information, for a more complete discussion about the groundwater in the area.

Appendix 9 and Map E, describe the biologic communities in the proposed mining area.

An archaeologic survey was conducted in 1978 on the property owned by Freeman United Coal Mining Company in McDonough and Schuyler Counties. This information will be included in the Environmental Impact Statement currently being prepared for the Army Corps of Engineer's 404 permit for the proposed mine.

The attached listing is a compilation of ponds and reservoirs contiguous to Freeman United Coal Mining Company's property.

EXHIBIT 1L

FREEMAN UNITED COAL MINING COMPANY
INDUSTRY MINE
PERMIT APPLICATION NO. 261
MODIFICATIONS LETTER RESPONSE

JULY 1, 1992

Exhibit 1L

NPDES DISCHARGE #018

ANALYSIS OF ACTUAL FIELD SAMPLE BY MONTH

	MONTH						
	1991	1992					
	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.
FLOW (gpm)	250	500		300	500	175	45
SOURCE OF DISCHARGE (e.g. pit pumpage, processing plant, circuit surface runoff, etc.)	Surface Runoff	Surface Runoff	N	Surface Runoff	Surface Runoff	Surface Runoff	Surface Runoff
SAMPLING METHOD (24 hr. composite, grab, est, etc.)	Grab	Grab	O	Grab	Grab	Grab	Grab
ACIDITY	27	4	T	< 2	4	< 2	8
ALKALINITY (mg/l)	82	76		85	75	104	125
LEAD (mg/l)	DID		NOT			SAMPLE	
IRON (mg/l)	< 0.25	0.019	S	0.043	0.384	9.39	0.138
MANGANESE (mg/l)	< 0.10	0.026	A	0.011	0.101	13.1	0.104
pH (range)	6.9	7.74	M	8.21	7.79	8.34	7.52
ZINC (mg/l)	< 0.10	0.01	P	0.030	0.032	0.212	0.016
FLUORIDE (mg/l)	DID		NOT			SAMPLE	
TOTAL SUSPENDED SOLIDS (mg/l)	1	2	L	< 1	3	< 1	6
SULFATE (mg/l)	190	214	E	201	141	223	231
TOTAL DISSOLVED SOLIDS (mg/l)	370	477	D	449	323	439	520
CHLORIDE (mg/l)	6.0	8.0		6	< 5	< 5	5

--- Discharge would be in violation of present NPDES discharge monitoring standards in effect for existing impoundments at Industry Mine.

NPDES DISCHARGE #019

ANALYSIS OF ACTUAL FIELD SAMPLE BY MONTH

	MONTH						
	1991	1992					
	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.
FLOW (gpm)	30	15	10	8	30	NO FLOW	NO FLOW
SOURCE OF DISCHARGE (e.g. pit pumpage, processing plant, circuit surface runoff, etc.)	Surface Runoff	Surface Runoff	Surface Runoff	Surface Runoff	Surface Runoff		
SAMPLING METHOD (24 hr. composite, grab, est, etc.)	Grab	Grab	Grab	Grab	Grab		
ACIDITY	35	14	16	22	21		
ALKALINITY (mg/l)	160	172	128	173	58		
LEAD (mg/l)	DID NOT SAMPLE						
IRON (mg/l)	4.94	0.059	0.076	0.038	0.688		
MANGANESE (mg/l)	0.15	0.254	0.966	0.476	1.74		
pH (range)	6.9	7.17	6.86	7.26	6.69		
ZINC (mg/l)	0.24	0.229	0.277	0.278	0.396		
FLUORIDE (mg/l)	DID NOT SAMPLE						
TOTAL SUSPENDED SOLIDS (mg/l)	120	1	2	4	16		
SULFATE (mg/l)	130	193	247	242	206		
TOTAL DISSOLVED SOLIDS (mg/l)	1,300	587	607	588	424		
CHLORIDE (mg/l)	640	40	20	16	9		

--- Discharge would be in violation of present NPDES discharge monitoring standards in effect for existing impoundments at Industry Mine.

NPDES DISCHARGE #020

ANALYSIS OF ACTUAL FIELD SAMPLE BY MONTH

	MONTH						
	1991	1992					
	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.
FLOW (gpm)	60		45	50	60		2
SOURCE OF DISCHARGE (e.g. pit pumpage, processing plant, circuit surface runoff, etc.)	Surface Runoff	N	Surface Runoff	Surface Runoff	Surface Runoff	N	Surface Runoff
SAMPLING METHOD (24 hr. composite, grab, est, etc.)	Grab	O	Grab	Grab	Grab	O	Grab
ACIDITY	19	T	4	6	5	T	8
ALKALINITY (mg/l)	41		42	52	43		113
LEAD (mg/l)	DID		NOT		SAMPLE		
IRON (mg/l)	1.13	S	0.11	0.032	0.579	S	0.152
MANGANESE (mg/l)	0.53	A	0.608	0.161	0.643	A	0.353
pH (range)	6.9	M	7.26	7.51	7.46	M	7.37
ZINC (mg/l)	< 0.10	P	0.034	0.036	0.053	P	0.02
FLUORIDE (mg/l)	DID		NOT		SAMPLE		
TOTAL SUSPENDED SOLIDS (mg/l)	19	L	2	< 1	2	L	2
SULFATE (mg/l)	500	E	387	449	462	E	424
TOTAL DISSOLVED SOLIDS (mg/l)	810	D	789	955	254	D	929
CHLORIDE (mg/l)	6.0		5	< 5	< 5		7

--- Discharge would be in violation of present NPDES discharge monitoring standards in effect for existing impoundments at Industry Mine.

NPDES DISCHARGE #021

ANALYSIS OF ACTUAL FIELD SAMPLE BY MONTH

	MONTH						
	1991	1992					
	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.
FLOW (gpm)	40	20	40	45	55		15
SOURCE OF DISCHARGE (e.g. pit pumpage, processing plant, circuit surface runoff, etc.)	Surface Runoff	Surface Runoff	Surface Runoff	Surface Runoff	Surface Runoff	N	Surface Runoff
SAMPLING METHOD (24 hr. composite, grab, est, etc.)	Grab	Grab	Grab	Grab	Grab	O	Grab
ACIDITY	58	52	42	71	19	T	92
ALKALINITY (mg/l)	< 1.0	< 2	< 2	< 2	< 2		< 2
LEAD (mg/l)	DID			NOT		SAMPLE	
IRON (mg/l)	4.38	4.17	3.79	5.75	0.771	S	7.46
MANGANESE (mg/l)	6.05	7.28	5.23	7.63	2.02	A	10.3
pH (range)	3.5	3.68	3.60	3.45	3.99	M	3.48
ZINC (mg/l)	0.39	0.388	0.288	0.382	0.147	P	0.363
FLUORIDE (mg/l)	DID			NOT		SAMPLE	
TOTAL SUSPENDED SOLIDS (mg/l)	25	9	< 1	1	< 1	L	2
SULFATE (mg/l)	500	70	358	426	195	E	492
TOTAL DISSOLVED SOLIDS (mg/l)	680	719	616	879	325	D	1130
CHLORIDE (mg/l)	3.0	< 5.0	< 5.0	6	< 5		7

--- Discharge would be in violation of present NPDES discharge monitoring standards in effect for existing impoundments at Industry Mine.

NPDES DISCHARGE #022

ANALYSIS OF ACTUAL FIELD SAMPLE BY MONTH

	MONTH						
	1991	1992					
	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.
FLOW (gpm)	20	12	10	15	25		3
SOURCE OF DISCHARGE (e.g. pit pumpage, processing plant, circuit surface runoff, etc.)	Surface Runoff	Surface Runoff	Surface Runoff	Surface Runoff	Surface Runoff	N	Surface Runoff
SAMPLING METHOD (24 hr. composite, grab, est, etc.)	Grab	Grab	Grab	Grab	Grab	O	Grab
ACIDITY	50	14	14	45	12	T	50
ALKALINITY (mg/l)	< 1.0	5	14	3	41		< 2
LEAD (mg/l)	DID			NOT		SAMPLE	
IRON (mg/l)	7.20	11.5	8.36	8.01	2.12	S	2.46
MANGANESE (mg/l)	8.85	9.24	6.24	9.13	1.73	A	20.7
pH (range)	4.1	5.43	6.28	4.77	7.26	M	4.41
ZINC (mg/l)	0.59	0.561	0.371	0.585	0.129	P	0.674
FLUORIDE (mg/l)	DID			NOT		SAMPLE	
TOTAL SUSPENDED SOLIDS (mg/l)	44	101	20	58	19	L	18
SULFATE (mg/l)	900	66	479	710	212	E	751
TOTAL DISSOLVED SOLIDS (mg/l)	1,200	1,310	834	1,380	374	D	1690
CHLORIDE (mg/l)	6.0	6.0	7.0	6	< 5		11

--- Discharge would be in violation of present NPDES discharge monitoring standards in effect for existing impoundments at Industry Mine.

DISCHARGE #018 NORTH

ANALYSIS OF ACTUAL FIELD SAMPLE BY MONTH

	MONTH						
	1991	1992					
	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.
FLOW (gpm)		20	30	20	45	15	NO FLOW
SOURCE OF DISCHARGE (e.g. pit pumpage, processing plant, circuit surface runoff, etc.)		Surface Runoff	Surface Runoff	Surface Runoff	Surface Runoff	Surface Runoff	
SAMPLING METHOD (24 hr. composite, grab, est, etc.)		Grab	Grab	Grab	Grab	Grab	
ACIDITY		22	48	61	43	50	
ALKALINITY (mg/l)		5	< 2	< 2	< 2	< 2	
LEAD (mg/l)		DID		NOT		SAMPLE	
IRON (mg/l)		15.6	7.15	4.32	6.57	5.27	
MANGANESE (mg/l)		5.43	3.81	5.43	2.32	6.49	
pH (range)		5.08	3.93	3.99	4.33	3.89	
ZINC (mg/l)		0.463	0.489	0.572	0.297	0.540	
FLUORIDE (mg/l)		DID		NOT		SAMPLE	
TOTAL SUSPENDED SOLIDS (mg/l)		65	15	10	16	16	
SULFATE (mg/l)		533	424	541	273	471	
TOTAL DISSOLVED SOLIDS (mg/l)		1010	708	1000	502	963	
CHLORIDE (mg/l)		6	< 5	7	5	< 5	

--- Discharge would be in violation of present NPDES discharge monitoring standards in effect for existing impoundments at Industry Mine.

DISCHARGE #018 ROAD

ANALYSIS OF ACTUAL FIELD SAMPLE BY MONTH

	MONTH						
	1991	1992					
	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.
FLOW (gpm)		100	80	75	110	40	18
SOURCE OF DISCHARGE (e.g. pit pumpage, processing plant, circuit surface runoff, etc.)		Surface Runoff	Surface Runoff	Surface Runoff	Surface Runoff	Surface Runoff	Surface Runoff
SAMPLING METHOD (24 hr. composite, grab, est, etc.)		Grab	Grab	Grab	Grab	Grab	Grab
ACIDITY		24	19	37	20	6	46
ALKALINITY (mg/l)		14	10	21	12	22	58
LEAD (mg/l)		DID		NOT		SAMPLE	
IRON (mg/l)		12.7	6.68	11.1	2.79	0.028	15.0
MANGANESE (mg/l)		11.0	7.63	12.5	3.90	0.016	17.6
pH (range)		5.87	6.07	6.40	6.50	6.36	6.42
ZINC (mg/l)		0.281	0.323	0.390	0.189	0.036	0.05
FLUORIDE (mg/l)		DID		NOT		SAMPLE	
TOTAL SUSPENDED SOLIDS (mg/l)		28	16	30	5	5	30
SULFATE (mg/l)		319	310	319	240	327	306
TOTAL DISSOLVED SOLIDS (mg/l)		628	602	720	443	701	778
CHLORIDE (mg/l)		12	10	7	12	6	6

--- Discharge would be in violation of present NPDES discharge monitoring standards in effect for existing impoundments at Industry Mine.

WELLS OUTSIDE OF AND CONTIGUOUS TO FREEMAN UNITED COAL MINING COMPANY PROPERTY (SEE ATTACHED TABLE)

10 WELLS WITHIN FREEMAN UNITED COAL MINING COMPANY PROPERTY.

33 SURFACE WATER SUPPLIES OUTSIDE OF AND CONTIGUOUS TO FREEMAN UNITED COAL MINING COMPANY PROPERTY (SEE ATTACHED TABLE)

SURFACE WATER SUPPLIES WITHIN FREEMAN UNITED COAL MINING COMPANY PROPERTY.

1 SURFACE WATER MONITORING POINT

#1 S.E. 1/4 SECTION 19 T4N R2W
#2 S.W. 1/4 SECTION 27 T4N R3W
#3 N.W. 1/4 SECTION 15 T3N R3W
#5 S.W. 1/4 SECTION 15 T4N R3W
#6 N.E. 1/4 SECTION 31 T4N R3W - SHOWN ON MAP3(A-1)

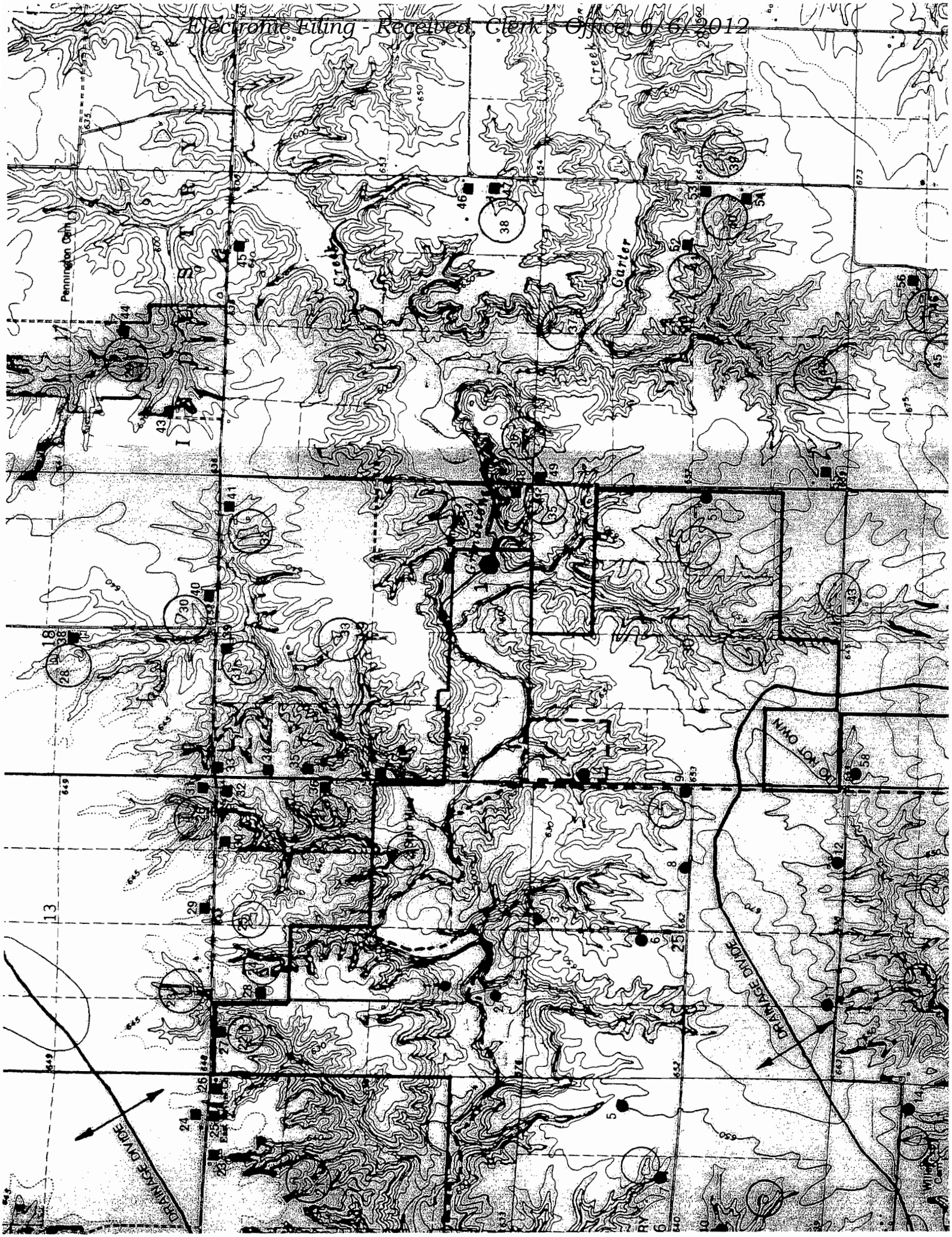


EXHIBIT 1M

TEKLAB, INC.

5445 HORSESHOE LAKE ROAD
COLLINSVILLE, ILLINOIS 62234

ENVIRONMENTAL TESTING LABORATORY

TEL: 618-344-1004
FAX: 618-344-1005

Laboratory Results

CLIENT: Freeman United Coal Mining
WorkOrder: 0307525
Lab ID: 0307525-03
Report Date: 29-Jul-03

Client Project: Industry Mine Stream Samples
Client Sample ID: Stream #1200
Collection Date: 7/18/03
Matrix: SURFACE WATER

Analyses	Certification	RL	Qual	Result	Units	DF	Date Analyzed	Analyst
EPA/600 4.1.4. 200.7 TOTAL								
Iron	NELAP	0.020		**32.5**	mg/L	1	7/29/03 10:22:08 AM	SAM
Manganese	NELAP	0.005		**1.60**	mg/L	1	7/24/03 7:22:31 PM	JMW
Zinc	NELAP	0.010		**0.085**	mg/L	1	7/24/03 7:22:31 PM	JMW
EPA/600 METHOD 150.1								
pH	NELAP	1.00	H	**7.06**		1	7/22/03 10:45:00 AM	SAO
EPA/600 METHOD 160.1								
Total Dissolved Solids	NELAP	20		**184**	mg/L	1	7/24/03	JNS
EPA/600 METHOD 160.2								
Total Suspended Solids	NELAP	6		**1900**	mg/L	1	7/23/03	DLY
EPA/600 METHOD 160.5								
Solids, Settleable	NELAP	0.1	H	**1.2**	ml/L	1	7/22/03 2:33:00 PM	SAO
EPA/600 METHOD 305.1								
Acidity, Total (as CaCO3)	NELAP	0		**-49**	mg/L	1	7/23/03	DLY
EPA/600 METHOD 310.1								
Alkalinity, Total (as CaCO3)	NELAP	0		**88**	mg/L	1	7/23/03	DLY
EPA/600 METHOD 325.3								
Chloride	NELAP	1		**15**	mg/L	1	7/29/03	JAE
EPA/600 METHOD 375.4								
Sulfate, Turbidimetric	NELAP	5		**16**	mg/L	1	7/28/03	JAE

TEKLAB, INC.

5445 HORSESHOE LAKE ROAD
COLLINSVILLE, ILLINOIS 62234

ENVIRONMENTAL TESTING LABORATORY

TEL: 618-344-1004
FAX: 618-344-1005

Laboratory Results

CLIENT: Freeman United Coal Mining
WorkOrder: 04030301
Lab ID: 04030301-013
Report Date: 23-Mar-04

Client Project: Industry Mine Pond
Client Sample ID: NGS1200
Collection Date: 3/5/04
Matrix: SURFACE WATER

Analyses	Certification	RL	Qual	Result	Units	DF	Date Analyzed	Analyst
EPA/600 4.1.4, 200.7 TOTAL								
Iron	NELAP	0.020		**4.77**	mg/L	1	3/12/04 5:09:16 PM	JMW
Manganese	NELAP	0.005		**0.176**	mg/L	1	3/12/04 5:09:16 PM	JMW
EPA/600 METHOD 150.1								
pH	NELAP	1.00	H	**7.44**		1	3/11/04 11:28:00 AM	EAW
EPA/600 METHOD 160.2								
Total Suspended Solids	NELAP	6		**153**	mg/L	1	3/11/04	DLY
EPA/600 METHOD 160.5								
Solids, Settleable	NELAP	0.2	H	**< 0.2**	ml/L	2	3/22/04 1:12:00 PM	SAO
EPA/600 METHOD 305.1								
Acidity, Total (as CaCO3)	NELAP	0		**-127**	mg/L	1	3/12/04	DLY
EPA/600 METHOD 310.1								
Alkalinity, Total (as CaCO3)	NELAP	0		**138**	mg/L	1	3/12/04	DLY
EPA/600 METHOD 325.2								
Chloride		2		**36**	mg/L	2	3/18/04 12:15:22 PM	SMR
EPA/600 METHOD 375.4								
Sulfate, Turbidimetric	NELAP	10		**39**	mg/L	2	3/19/04	ADH

TEKLAB, INC.

5445 HORSESHOE LAKE ROAD
COLLINSVILLE, ILLINOIS 62234

ENVIRONMENTAL TESTING LABORATORY

TEL: 618-344-1004
FAX: 618-344-1005

LABORATORY RESULTS

Client: Springfield Coal Company
WorkOrder: 09041022
Lab ID: 09041022-002
Report Date: 05-May-09

Client Project: Industry Mine Pond
Client Sample ID: 1200 road
Collection Date: 4/22/2009 11:25:00 AM
Matrix: AQUEOUS

Analyses	Certification	RL	Qual	Result	Units	DF	Date Analyzed	Analyst
EPA 600 375.2 REV 2.0 1993 (TOTAL)								
Sulfate	NELAP	50		**53**	mg/L	1	4/30/2009 11:54:00 AM	DLW
EPA 600 4.1.4, 200.7R4.4, METALS BY ICP (TOTAL)								
Iron	NELAP	0.0200		**2.30**	mg/L	1	4/29/2009 7:00:00 PM	JMW
Manganese	NELAP	0.0050		**0.0849**	mg/L	1	5/1/2009 10:59:57 AM	JMW
STANDARD METHOD 18TH ED. 4500-H B, LABORATORY ANALYZED								
Lab pH	NELAP	1.00		**7.87**		1	4/28/2009 3:21:00 PM	NJM
STANDARD METHODS 18TH ED. 2310 B								
Acidity, Total (as CaCO3)	NELAP	0		**-162**	mg/L	1	4/29/2009 12:10:00 PM	MK
STANDARD METHODS 18TH ED. 2320 B								
Alkalinity, Total (as CaCO3)	NELAP	0		**174**	mg/L	1	4/29/2009 12:10:00 PM	MK
STANDARD METHODS 18TH ED. 2340 C								
Hardness, as (CaCO3)	NELAP	5		**280**	mg/L	1	4/29/2009 10:00:00 AM	MK
STANDARD METHODS 18TH ED. 2540 C (TOTAL)								
Total Dissolved Solids	NELAP	20	H	**302**	mg/L	1	4/30/2009 6:30:00 PM	MAB
STANDARD METHODS 18TH ED. 2540 D								
Total Suspended Solids	NELAP	6	H	**63**	mg/L	1	4/29/2009 12:40:00 PM	MAB
STANDARD METHODS 18TH ED. 2540 F								
Solids, Settleable	NELAP	0.2	H	**<0.1**	ml/L	1	5/1/2009 10:50:00 AM	NJM
STANDARD METHODS 18TH ED. 4500-CL E (TOTAL)								
Chloride	NELAP	1		**28**	mg/L	1	4/30/2009 11:54:00 AM	DLW

Sample Narrative
Standard Methods 18th Ed. 2540 C (Total)
Sample analysis did not meet hold time requirements.

TEKLAB, INC.

5445 HORSESHOE LAKE ROAD
COLLINSVILLE, ILLINOIS 62234

ENVIRONMENTAL TESTING LABORATORY

TEL: 618-344-1004
FAX: 618-344-1005

LABORATORY RESULTS

Client: Springfield Coal Company
WorkOrder: 09110091
Lab ID: 09110091-001
Report Date: 09-Nov-09

Client Project: Industry Mine Stream Samples
Client Sample ID: 1200 Road
Collection Date: 10/30/2009 12:20:00 PM
Matrix: AQUEOUS

Analyses	Certification	RL	Qual	Result	Units	DF	Date Analyzed	Analyst
EPA 600 375.2 REV 2.0 1993 (TOTAL)								
Sulfate	NELAP	5		**16**	mg/L	1	11/6/2009 1:59:00 PM	DLW
EPA 600 4.1.4, 200.7R4.4, METALS BY ICP (TOTAL)								
Iron	NELAP	0.0200		**12.4**	mg/L	1	11/4/2009 12:43:42 PM	JMW
Manganese	NELAP	0.0050		**0.341**	mg/L	1	11/4/2009 12:43:42 PM	JMW
STANDARD METHOD 18TH ED. 4500-H B, LABORATORY ANALYZED								
Lab pH	NELAP	1.00		**7.49**		1	11/4/2009 1:32:00 PM	LDG
STANDARD METHODS 18TH ED. 2310 B								
Acidity, Total (as CaCO3)	NELAP	0		**-46.7**	mg/L	1	11/5/2009 1:20:00 PM	MK
STANDARD METHODS 18TH ED. 2320 B								
Alkalinity, Total (as CaCO3)	NELAP	0		**71**	mg/L	1	11/5/2009 1:20:00 PM	MK
STANDARD METHODS 18TH ED. 2340 C								
Hardness, as (CaCO3)	NELAP	5		**80**	mg/L	1	11/4/2009 12:30:00 PM	MK
STANDARD METHODS 18TH ED. 2540 C (TOTAL)								
Total Dissolved Solids	NELAP	20		**204**	mg/L	1	11/4/2009 3:55:00 PM	JMT
STANDARD METHODS 18TH ED. 2540 D								
Total Suspended Solids	NELAP	6		**83**	mg/L	1	11/3/2009 2:30:00 PM	HMH
STANDARD METHODS 18TH ED. 4500-CL E (TOTAL)								
Chloride	NELAP	1		**17**	mg/L	1	11/4/2009 3:54:00 PM	DLW

Sample Narrative

TEKLAB, INC.

5445 HORSESHOE LAKE ROAD
COLLINSVILLE, ILLINOIS 62234

ENVIRONMENTAL TESTING LABORATORY

TEL: 618-344-1004
FAX: 618-344-1005

LABORATORY RESULTS

Client: Springfield Coal Company
WorkOrder: 09120082
Lab ID: 09120082-002
Report Date: 08-Dec-09

Client Project: Industry Mine Stream Samples
Client Sample ID: 1200 Road
Collection Date: 11/30/2009 5:00:00 PM
Matrix: AQUEOUS

Analyses	Certification	RL	Qual	Result	Units	DF	Date Analyzed	Analyst
EPA 600 375.2 REV 2.0 1993 (TOTAL)								
Sulfate	NELAP	50	S	57	mg/L	1	12/4/2009 11:40:00 AM	DLW
EPA 600 4.1.4, 200.7R4.4, METALS BY ICP (TOTAL)								
Iron	NELAP	0.0200		0.562	mg/L	1	12/3/2009 6:08:28 PM	JMW
Manganese	NELAP	0.0050		0.137	mg/L	1	12/7/2009 10:23:21 AM	JMW
STANDARD METHOD 18TH ED. 4500-H B, LABORATORY ANALYZED								
Lab pH	NELAP	1.00		8.08		1	12/2/2009 2:14:00 PM	NJM
STANDARD METHODS 18TH ED. 2310 B								
Acidity, Total (as CaCO3)	NELAP	0		-202	mg/L	1	12/2/2009 1:30:00 PM	MK
STANDARD METHODS 18TH ED. 2320 B								
Alkalinity, Total (as CaCO3)	NELAP	0		212	mg/L	1	12/2/2009 1:30:00 PM	MK
STANDARD METHODS 18TH ED. 2340 C								
Hardness, as (CaCO3)	NELAP	5		280	mg/L	1	12/4/2009 12:00:00 PM	MK
STANDARD METHODS 18TH ED. 2540 C (TOTAL)								
Total Dissolved Solids	NELAP	20		336	mg/L	1	12/3/2009 9:00:00 PM	JMT
STANDARD METHODS 18TH ED. 2540 D								
Total Suspended Solids	NELAP	6		167	mg/L	1	12/2/2009 4:50:00 PM	HMH
STANDARD METHODS 18TH ED. 4500-CL E (TOTAL)								
Chloride	NELAP	1	S	24	mg/L	1	12/7/2009 1:57:00 PM	DLW

Sample Narrative

Standard Methods 18th Ed. 4500-Cl E (Total)

Matrix spike recovery was outside QC limits due to matrix interference.

EPA 600 375.2 Rev 2.0 1993 (Total)

Matrix spike did not recover within control limits due to matrix interference.

TEKLAB, INC.

5445 HORSESHOE LAKE ROAD
COLLINSVILLE, ILLINOIS 62234

ENVIRONMENTAL TESTING LABORATORY

TEL: 618-344-1004
FAX: 618-344-1005

LABORATORY RESULTS

Client: Springfield Coal Company
WorkOrder: 10010980
Lab ID: 10010980-002
Report Date: 04-Feb-10

Client Project: Industry Mine Stream Samples
Client Sample ID: 1200 Road
Collection Date: 1/24/2010 4:00:00 PM
Matrix: AQUEOUS

Analyses	Certification	RL	Qual	Result	Units	DF	Date Analyzed	Analyst
EPA 600 375.2 REV 2.0 1993 (TOTAL)								
Sulfate	NELAP	5		**29**	mg/L	1	2/2/2010 9:14:12 AM	MVS
EPA 600 4.1.4, 200.7R4.4, METALS BY ICP (TOTAL)								
Iron	NELAP	0.0200		**2.86**	mg/L	1	2/1/2010 7:09:45 PM	JMW
Manganese	NELAP	0.0050		**0.116**	mg/L	1	2/2/2010 4:20:32 PM	JMW
STANDARD METHOD 18TH ED. 4500-H B, LABORATORY ANALYZED								
Lab pH	NELAP	1.00		**7.90**		1	1/29/2010 4:21:00 PM	NJM
STANDARD METHODS 18TH ED. 2310 B								
Acidity, Total (as CaCO3)	NELAP	0		**-170**	mg/L	1	2/2/2010 11:15:00 AM	MK
STANDARD METHODS 18TH ED. 2320 B								
Alkalinity, Total (as CaCO3)	NELAP	0		**178**	mg/L	1	2/2/2010 11:15:00 AM	MK
STANDARD METHODS 18TH ED. 2340 C								
Hardness, as (CaCO3)	NELAP	5		**240**	mg/L	1	1/29/2010 10:00:00 AM	MK
STANDARD METHODS 18TH ED. 2540 C (TOTAL)								
Total Dissolved Solids	NELAP	20		**356**	mg/L	1	1/29/2010 4:30:00 PM	JMT
STANDARD METHODS 18TH ED. 2540 D								
Total Suspended Solids	NELAP	6		**86**	mg/L	1	1/30/2010 3:40:00 PM	JMT
STANDARD METHODS 18TH ED. 4500-CL E (TOTAL)								
Chloride	NELAP	1		**23**	mg/L	1	1/29/2010 3:56:19 PM	DLW

Sample Narrative

TEKLAB, INC.

5445 HORSESHOE LAKE ROAD
COLLINSVILLE, ILLINOIS 62234

ENVIRONMENTAL TESTING LABORATORY

TEL: 618-344-1004
FAX: 618-344-1005

LABORATORY RESULTS

Client: Springfield Coal Company
WorkOrder: 10030573
Lab ID: 10030573-002
Report Date: 22-Mar-10

Client Project: Industry Mine Stream Samples
Client Sample ID: 1200 Road
Collection Date: 3/11/2010 5:50:00 PM
Matrix: AQUEOUS

Analyses	Certification	RL	Qual	Result	Units	DF	Date Analyzed	Analyst
STANDARD METHODS 18TH ED. 2310 B								
Acidity, Total (as CaCO3)	NELAP	0		-135	mg/L	1	3/16/2010 8:10:00 AM	MK
STANDARD METHODS 18TH ED. 2320 B								
Alkalinity, Total (as CaCO3)	NELAP	0		143	mg/L	1	3/16/2010 8:10:00 AM	MK
STANDARD METHODS 18TH ED. 2340 C								
Hardness, as (CaCO3)	NELAP	5		180	mg/L	1	3/16/2010 11:30:00 AM	MK
STANDARD METHODS 18TH ED. 2540 C (TOTAL)								
Total Dissolved Solids	NELAP	20		270	mg/L	1	3/15/2010 4:30:00 PM	JMT
STANDARD METHODS 18TH ED. 2540 D								
Total Suspended Solids	NELAP	6		203	mg/L	1	3/17/2010 1:00:00 PM	JMT
SW-846 3005A, 6010B, METALS BY ICP (TOTAL)								
Iron	NELAP	0.0200		4.86	mg/L	1	3/17/2010 6:12:24 PM	JMW
Manganese	NELAP	0.0050		0.164	mg/L	1	3/17/2010 6:12:24 PM	JMW
SW-846 9036 (TOTAL)								
Sulfate	NELAP	10		30	mg/L	2	3/19/2010 2:25:00 PM	DLW
SW-846 9040B, LABORATORY ANALYZED								
Lab pH	NELAP	0		7.72		1	3/15/2010 2:42:00 PM	NJM
SW-846 9251 (TOTAL)								
Chloride	NELAP	1		24	mg/L	1	3/15/2010 3:13:00 PM	DLW

Sample Narrative

TEKLAB, INC.

5445 HORSESHOE LAKE ROAD
COLLINSVILLE, ILLINOIS 62234

ENVIRONMENTAL TESTING LABORATORY

TEL: 618-344-1004
FAX: 618-344-1005

LABORATORY RESULTS

Client: Springfield Coal Company
WorkOrder: 10070918
Lab ID: 10070918-002
Report Date: 29-Jul-10

Client Project: Industry Mine Stream Samples
Client Sample ID: 1200 Road
Collection Date: 7/21/2010 4:00:00 PM
Matrix: AQUEOUS

Analyses	Certification	RL	Qual	Result	Units	DF	Date Analyzed	Analyst
EPA 600 375.2 REV 2.0 1993 (TOTAL)								
Sulfate	NELAP	5		16	mg/L	1	7/29/2010 10:33:00 AM	DLW
EPA 600 4.1.4, 200.7R4.4, METALS BY ICP (TOTAL)								
Iron	NELAP	0.0200		18.3	mg/L	1	7/27/2010 12:28:57 PM	LAL
Manganese	NELAP	0.0050		0.475	mg/L	1	7/27/2010 12:28:57 PM	LAL
STANDARD METHOD 18TH ED. 4500-H B, LABORATORY ANALYZED								
Lab pH	NELAP	1.00		7.66		1	7/26/2010 2:14:00 PM	CS
STANDARD METHODS 18TH ED. 2310 B								
Acidity, Total (as CaCO3)	NELAP	0		-113	mg/L	1	7/27/2010 10:45:00 AM	MK
STANDARD METHODS 18TH ED. 2320 B								
Alkalinity, Total (as CaCO3)	NELAP	0		123	mg/L	1	7/27/2010 10:45:00 AM	MK
STANDARD METHODS 18TH ED. 2340 C								
Hardness, as (CaCO3)	NELAP	5		160	mg/L	1	7/26/2010 10:40:00 AM	MK
STANDARD METHODS 18TH ED. 2540 C (TOTAL)								
Total Dissolved Solids	NELAP	20		218	mg/L	1	7/26/2010 12:30:00 PM	MK
STANDARD METHODS 18TH ED. 2540 D								
Total Suspended Solids	NELAP	6		387	mg/L	1	7/26/2010 5:30:00 PM	BSJ
STANDARD METHODS 18TH ED. 4500-CL E (TOTAL)								
Chloride	NELAP	1		15	mg/L	1	7/27/2010 2:57:00 PM	DLW

Sample Narrative

Teklab, Inc.
Environmental Laboratory

Laboratory Results

http://www.teklabinc.com/

Client: Springfield Coal Company
Work Order: 11030076
Client Project: Industry Mine Stream Samples
Report Date: 08-Mar-11
Lab ID: 11030076-002
Client Sample ID: 1200 Road
Matrix: AQUEOUS
Collection Date: 02/28/2011 13:10

Analyses	Certification	RL	Qual	Result	Units	DF	Date Analyzed	Batch
EPA 600 375.2 REV 2.0 1993 (TOTAL)								
Sulfate	NELAP	10		34	mg/L	2	03/07/2011 14:39	R146588
STANDARD METHOD 18TH ED. 4500-H B, LABORATORY ANALYZED								
Lab pH	NELAP	1.00		7.71		1	03/03/2011 14:45	R146430
STANDARD METHODS 18TH ED. 2310 B								
Acidity, Total (as CaCO3)	NELAP	0		-84	mg/L	1	03/03/2011 8:20	R146402
STANDARD METHODS 18TH ED. 2320 B								
Alkalinity, Total (as CaCO3)	NELAP	0		101	mg/L	1	03/03/2011 8:20	R146400
STANDARD METHODS 18TH ED. 2340 C								
Hardness, as (CaCO3)	NELAP	5		140	mg/L	1	03/02/2011 9:30	R146327
STANDARD METHODS 18TH ED. 2540 C (TOTAL)								
Total Dissolved Solids	NELAP	20		276	mg/L	1	03/02/2011 13:00	R146347
STANDARD METHODS 18TH ED. 2540 D								
Total Suspended Solids	NELAP	6		114	mg/L	1	03/03/2011 9:30	R146401
STANDARD METHODS 18TH ED. 2540 F								
Solids, Settleable	NELAP	0.2	H	1.0	ml/L	1	03/02/2011 14:55	R146419
Sample analysis did not meet hold time requirements.								
STANDARD METHODS 18TH ED. 4500-CL E (TOTAL)								
Chloride	NELAP	1		64	mg/L	1	03/04/2011 11:56	R146516
EPA 600 4.1.4, 200.7R4.4, METALS BY ICP (TOTAL)								
Iron	NELAP	0.0200		19.6	mg/L	1	03/04/2011 19:13	66350
Manganese	NELAP	0.0050		0.505	mg/L	1	03/04/2011 19:13	66350

Teklab, Inc.
Environmental Laboratory

Laboratory Results

http://www.teklabinc.com/

Client: Springfield Coal Company
Work Order: 11041150
Client Project: Industry Mine Stream Samples
Report Date: 02-May-11
Lab ID: 11041150-002
Client Sample ID: 1200 Road
Matrix: AQUEOUS
Collection Date: 04/25/2011 16:00

Analyses	Certification	RL	Qual	Result	Units	DF	Date Analyzed	Batch
EPA 600 375.2 REV 2.0 1993 (TOTAL)								
Sulfate	NELAP	5		33	mg/L	1	04/28/2011 11:42	R148750
STANDARD METHOD 18TH ED. 4500-H B, LABORATORY ANALYZED								
Lab pH	NELAP	1.00		8.08		1	04/27/2011 17:59	R148709
STANDARD METHODS 18TH ED. 2310 B								
Acidity, Total (as CaCO3)	NELAP	0		-182	mg/L	1	04/28/2011 9:15	R148746
STANDARD METHODS 18TH ED. 2320 B								
Alkalinity, Total (as CaCO3)	NELAP	0		189	mg/L	1	04/28/2011 9:15	R148745
STANDARD METHODS 18TH ED. 2340 C								
Hardness, as (CaCO3)	NELAP	5		280	mg/L	1	04/29/2011 9:30	R148792
STANDARD METHODS 18TH ED. 2540 C (TOTAL)								
Total Dissolved Solids	NELAP	20		310	mg/L	1	04/28/2011 15:25	R148764
STANDARD METHODS 18TH ED. 2540 D								
Total Suspended Solids	NELAP	6		73	mg/L	1	04/29/2011 9:00	R148776
STANDARD METHODS 18TH ED. 2540 F								
Solids, Settleable	NELAP	0.2		< 0.2	ml/L	1	04/27/2011 12:45	R148688
STANDARD METHODS 18TH ED. 4500-CL E (TOTAL)								
Chloride	NELAP	1		25	mg/L	1	04/27/2011 10:29	R148726
EPA 600 4.1.4, 200.7R4.4, METALS BY ICP (TOTAL)								
Iron	NELAP	0.0200		1.81	mg/L	1	04/29/2011 21:32	67770
Manganese	NELAP	0.0050		0.132	mg/L	1	04/29/2011 21:32	67770

Teklab, Inc.
Environmental Laboratory

Laboratory Results

http://www.teklabinc.com/

Client: Springfield Coal Company
Work Order: 11051330
Client Project: Industry Mine Stream Samples
Report Date: 06-Jun-11
Lab ID: 11051330-002
Client Sample ID: 1200 Road
Matrix: AQUEOUS
Collection Date: 05/25/2011 15:50

Analyses	Certification	RL	Qual	Result	Units	DF	Date Analyzed	Batch
EPA 600 375.2 REV 2.0 1993 (TOTAL)								
Sulfate	NELAP	50		86	mg/L	1	05/31/2011 13:23	R150152
STANDARD METHOD 18TH ED. 4500-H B, LABORATORY ANALYZED								
Lab pH	NELAP	1.00		7.28		1	05/31/2011 16:07	R150121
STANDARD METHODS 18TH ED. 2310 B								
Acidity, Total (as CaCO3)	NELAP	0		-5.5	mg/L	1	06/02/2011 7:40	R150204
STANDARD METHODS 18TH ED. 2320 B								
Alkalinity, Total (as CaCO3)	NELAP	0		46	mg/L	1	06/02/2011 7:40	R150203
STANDARD METHODS 18TH ED. 2340 C								
Hardness, as (CaCO3)	NELAP	5		100	mg/L	1	06/01/2011 8:30	R150148
STANDARD METHODS 18TH ED. 2540 C (TOTAL)								
Total Dissolved Solids	NELAP	20		196	mg/L	1	05/31/2011 13:00	R150101
STANDARD METHODS 18TH ED. 2540 D								
Total Suspended Solids	NELAP	6		760	mg/L	1	05/31/2011 9:10	R150095
STANDARD METHODS 18TH ED. 2540 F								
Solids, Settleable	NELAP	0.2	H	0.2	ml/L	1	05/31/2011 8:30	R150075
STANDARD METHODS 18TH ED. 4500-CL E (TOTAL)								
Chloride	NELAP	10	J	6	mg/L	10	06/03/2011 13:17	R150307
Elevated reporting limit due to matrix interference.								
EPA 600 4.1.4, 200.7R4.4, METALS BY ICP (TOTAL)								
Iron	NELAP	0.0200		36.2	mg/L	1	06/01/2011 22:25	68559
Manganese	NELAP	0.0050		0.845	mg/L	1	06/01/2011 22:25	68559

EXHIBIT 2

FREEMAN UNITED

Freeman United Coal Mining Company

P.O.Box 260
Industry, IL 61440
309/254-3333
Fax 309/254-3781

Certified Mail 7001 2510 0005 2397 8262

August 15, 2003

Mr. Larry Cristip, P.E.
Manager, Permit Section
Mine Pollution Control Program
Illinois Environmental Protection Agency
2309 West Main Street
Marion, Illinois 62959

Re: Industry Mine
NPDES Permit Renewal
Permit No. IL0061247

Dear Mr. Cristip:

Enclosed are two (2) copies of the permit renewal application for Permit No. IL0061247.

If you have any questions or need additional information, please contact me.

Sincerely,

Craig Schoonover
Engineer

CAS/cs
Copy: G. Arnett
File: NPDESNI

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Mr. Larry Cristip, P.E.
Manager, Permit Sec., Mine Pollution
IEPA, Bureau of Water
2309 West Main Street
Marion IL 62959

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X J Brown ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery 8/19

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7001 2510 0005 2397 8262

PS Form 3811, August 2001 Domestic Return Receipt

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Form Approved. OMB No. 2040-0086.

FORM 1 GENERAL

EPA

U.S. ENVIRONMENTAL PROTECTION AGENCY

GENERAL INFORMATION

Consolidated Permits Program

(Read the "General Instructions" before starting.)

I. EPA I.D. NUMBER: F IL0061247 D

LABEL ITEMS

I. EPA I.D. NUMBER

III. FACILITY NAME

V. FACILITY MAILING ADDRESS

VI. FACILITY LOCATION

Freeman United Coal Mining Co.
1480 E 1200th St
PO Box 260
Industry IL 61440

GENERAL INSTRUCTIONS

If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.

II. POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

SPECIFIC QUESTIONS	MARK 'X' YES	MARK 'X' NO	MARK 'X' FORM ATTACHED	SPECIFIC QUESTIONS	MARK 'X' YES	MARK 'X' NO	MARK 'X' FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)		X		B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)		X	
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)	X		2C	D. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)		X	
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)		X		F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)		X	
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)		X		H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)		X	
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X		J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X	

III. NAME OF FACILITY

1 SKIP: INDUSTRY MINE

IV. FACILITY CONTACT

A. NAME & TITLE (last, first, & title)

2 SCHOONOVER CRAIG ENGINEER

B. PHONE (area code & no.)

309 254 3333

V. FACILITY MAILING ADDRESS

A. STREET OR P.O. BOX

3 PO BOX 260

B. CITY OR TOWN

4 INDUSTRY

C. STATE: IL

D. ZIP CODE: 61440

VI. FACILITY LOCATION

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER

5 1480E 1200th STREET

B. COUNTY NAME

McDONOUGH

C. CITY OR TOWN

6 INDUSTRY

D. STATE: IL

E. ZIP CODE: 61440

F. COUNTY CODE (if known): 109

Please print or type in the unshaded areas only.

EPA I.D. NUMBER (copy from Item 1 of Form 1)
IL 0061247

Form Approved.
OMB No. 2000-0059
Approval expires 12-31-85

FORM 2C NPDES

U.S. ENVIRONMENTAL PROTECTION AGENCY
APPLICATION FOR PERMIT TO DISCHARGE WASTEWATER
EXISTING MANUFACTURING, COMMERCIAL, MINING AND SILVICULTURAL OPERATIONS
Consolidated Permits Program

I. OUTFALL LOCATION

For each outfall, list the latitude and longitude of its location to the nearest 15 seconds and the name of the receiving water.

A. OUTFALL NUMBER (list)	B. LATITUDE			C. LONGITUDE			D. RECEIVING WATER (name)
	1. DEG.	2. MIN.	3. SEC.	1. DEG.	2. MIN.	3. SEC.	
							SEE ATTACHED LIST

II. FLOWS, SOURCES OF POLLUTION, AND TREATMENT TECHNOLOGIES

A. Attach a line drawing showing the water flow through the facility. Indicate sources of intake water, operations contributing wastewater to the effluent, and treatment units labeled to correspond to the more detailed descriptions in Item B. Construct a water balance on the line drawing by showing average flows between intakes, operations, treatment units, and outfalls. If a water balance cannot be determined (e.g., for certain mining activities), provide a pictorial description of the nature and amount of any sources of water and any collection or treatment measures.

B. For each outfall, provide a description of: (1) All operations contributing wastewater to the effluent, including process wastewater, sanitary wastewater, cooling water, and storm water runoff; (2) The average flow contributed by each operation; and (3) The treatment received by the wastewater. Continue on additional sheets if necessary.

1. OUTFALL NO. (list)	2. OPERATION(S) CONTRIBUTING FLOW		3. TREATMENT		
	a. OPERATION (list)	b. AVERAGE FLOW (include units)	a. DESCRIPTION	b. LIST CODES FROM TABLE 2C-1	
	Surface Runoff	See Sch.	Suspended Solids	1	U
002	Pit Pumpage	ME	Settlement	4	A
	Slurry Water Circuit			4	C
003					
029					
030					
031	Surface Runoff	See Sch.	Suspended Solids	1	U
032					
033	Pit Pumpage	ME	Settlement	4	A
035					
018					
019	Surface Runoff	See Sch.	Suspended Solids	1	U
020					
021	From Reclaimed Land	ME	Settlement	4	A
022					
024					
026					
027					
004					
005					
006	Surface Runoff	See Sch.	Suspended Solids	1	U
007	From Reclaimed Land (Stormwater)	ME	Settlement	4	A
008					
010					
011					
017					

OFFICIAL USE ONLY (effluent guidelines sub-categories)

CONTINUED FROM PAGE 2

EPA I.D. NUMBER (copy from Item 1 of Form 1)
IL0061247

Form Approved.
OMB No. 2000-0059
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V. INTAKE AND EFFLUENT CHARACTERISTICS

A, B, & C: See instructions before proceeding — Complete one set of tables for each outfall — Annotate the outfall number in the space provided. NOTE: Tables V-A, V-B, and V-C are included on separate sheets numbered V-1 through V-9.

D. Use the space below to list any of the pollutants listed in Table 2c-3 of the instructions, which you know or have reason to believe is discharged or may be discharged from any outfall. For every pollutant you list, briefly describe the reasons you believe it to be present and report any analytical data in your possession.

1. POLLUTANT	2. SOURCE	1. POLLUTANT	2. SOURCE
NONE EXPECTED TO BE PRESENT IN ANALYZABLE QUANITIES			

VI. POTENTIAL DISCHARGES NOT COVERED BY ANALYSIS

Is any pollutant listed in item V-C a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

☐ YES (list all such pollutants below) ☒ NO (go to Item VI-B)

FREEMAN UNITED COAL MINING COMPANY

Permit #IL0061247

Outfall	Latitude	Longitude	Legal Description
002	40-17-45	90-43-07	T4N-R3W Sec. 27 SE1/4,SE1/4,SE1/4
003	40-18-00	90-43-15	T4N-R3W Sec. 26 NE1/4,SW1/4
004	40-18-24	90-42-43	T4N-R3W Sec. 26 SE1/4,NW1/4,NW1/4
005	40-18-40	90-42-03	T4N-R3W Sec. 23 NW1/4,SE1/4,SE1\4
006	40-18-30	90-41-45	T4N-R3W Sec. 24 SW Corner
007	40-18-39	90-41-13	T4N-R3W Sec. 24 NW1/4,SW1/4,SE1/4
008	40-18-30	90-40-33	T4N-R2W Sec. 30 NW1/4,NW1/4,NW1/4
009	40-16-22	90-42-53	T3N-R3W Sec. 2 SW1/4,SW1/4,SW1/4
010	40-18-16	90-42-50	T4N-R3W Sec. 26 N1/2,SW1/4,SE1/4
011	40-18-19	90-42-48	T4N-R3W Sec. 26 N1/2,SW1/4,SE1/4
017	40-18-41	90-42-18	T4N-R3W Sec. 23 SW1/4,SE1/4
018	40-17-40	90-43-49	T4N-R3W Sec. 34 NW1/4,NW1/4
019	40-17-55	90-44-06	T4N-R3W Sec. 27 SE1/4,SE1/4
020	40-17-45	90-44-47	T4N-R3W Sec. 27 SE1/4,SW1/4
021	40-17-43	90-45-06	T4N-R3W Sec. 33 NW1/4,NW1/4
022	40-17-17	90-45-13	T4N-R3W Sec. 33 NW1/4,SW1/4
024W	40-16-14	90-42-55	T3N-R3W Sec. 2 NW1/4,SW1/4
026	40-16-20	90-43-03	T3N-R3W Sec. 3 SE1/4,NE1/4
027	40-15-54	90-43-19	T3N-R3W Sec. 3 SW1/4,SE1/4
029	40-16-22	90-45-08	T3N-R3W Sec. 4 SW1/4,NW1/4
030	40-16-16	90-44-51	T3N-R3W Sec. 4 NE1/4,SW1/4
031	40-18-11.5	90-43-33.6	T4N-R3W Sec. 27 SE1/4,NW1/4
032	40-18-11.5	90-43-10.6	T4N-R3W Sec. 27 SE1/4,NE1/4
033	40-18-24.5	90-43-01.9	T4N-R3W Sec. 27 NE1/4,NE1/4
035	40-18-46.8	90-42-55.9	T4N-R3W Sec. 22 NE1/4,SE1/4

July 21, 2003
FILE: LATLONGI

PLEASE PRINT OR TYPE IN THE UNSHADED AREAS ONLY. You may report some or all of this information on separate sheets (use the same format) instead of completing these pages. SEE INSTRUCTIONS.

EPA I.D. NUMBER (copy from Item 1 of Form 1): IL 0061247

Form Approved. OMB No. 2040-0059. Approval expires 12-31-85

OUTFALL NO. 002

V. INTAKE AND EFFLUENT CHARACTERISTICS (continued from page 3 of Form 2-C)

PART A - You must provide the results of at least one analysis for every pollutant in this table. Complete one table for each outfall. See instructions for additional details.

1. POLLUTANT	2. EFFLUENT a. MAXIMUM DAILY VALUE (1) CONCENTRATION	a. MAXIMUM DAILY VALUE (2) MASS	b. MAXIMUM 30 DAY VALUE (if available) (1) CONCENTRATION	b. MAXIMUM 30 DAY VALUE (if available) (2) MASS	c. LONG TERM AVRG. VALUE (if available) (1) CONCENTRATION	c. LONG TERM AVRG. VALUE (if available) (2) MASS	d. NO. OF ANALYSES	3. UNITS (specify if blank) a. CONCENTRATION	3. UNITS b. MASS	4. INTAKE (optional) a. LONG TERM AVERAGE VALUE (1) CONCENTRATION	4. INTAKE (optional) a. LONG TERM AVERAGE VALUE (2) MASS	4. INTAKE (optional) b. NO. OF ANALYSES
a. Biochemical Oxygen Demand (BOD)												
b. Chemical Oxygen Demand (COD)												
c. Total Organic Carbon (TOC)												
d. Total Suspended Solids (TSS)	30				11		8	mg/l				
e. Ammonia (as N)												
f. Flow	VALUE 200		VALUE		VALUE 88		8	GPM		VALUE		
g. Temperature (winter)	VALUE		VALUE		VALUE			°C		VALUE		
h. Temperature (summer)	VALUE		VALUE		VALUE			°C		VALUE		
i. pH	MINIMUM 7.26	MAXIMUM 7.96	MINIMUM	MAXIMUM			8	STANDARD UNITS				

PART B - Mark "X" in column 2-a for each pollutant you know or have reason to believe is present. Mark "X" in column 2-b for each pollutant you believe to be absent. If you mark column 2a for any pollutant which is limited either directly or indirectly but expressly, in an effluent limitations guideline, you must provide the results of at least one analysis for that pollutant. For other pollutants for which you mark column 2a, you must provide quantitative data or an explanation of their presence in your discharge. Complete one table for each outfall. See the instructions for additional details and requirements.

1. POLLUTANT AND CAS NO. (if available)	2. MARK "X" a. BELIEVED PRESENT	2. MARK "X" b. BELIEVED ABSENT	3. EFFLUENT a. MAXIMUM DAILY VALUE (1) CONCENTRATION	a. MAXIMUM DAILY VALUE (2) MASS	b. MAXIMUM 30 DAY VALUE (if available) (1) CONCENTRATION	b. MAXIMUM 30 DAY VALUE (if available) (2) MASS	c. LONG TERM AVRG. VALUE (if available) (1) CONCENTRATION	c. LONG TERM AVRG. VALUE (if available) (2) MASS	d. NO. OF ANALYSES	4. UNITS a. CONCENTRATION	4. UNITS b. MASS	5. INTAKE (optional) a. LONG TERM AVERAGE VALUE (1) CONCENTRATION	5. INTAKE (optional) a. LONG TERM AVERAGE VALUE (2) MASS	5. INTAKE (optional) b. NO. OF ANALYSES
a. Bromide (24959-67-9)		X												
b. Chlorine, Total Residual		X												
c. Color		X												
d. Fecal Coliform		X												
e. Fluoride (16984-48-8)		X												
f. Nitrate-Nitrite (as N)		X												

EPA I.D. NUMBER (copy from Item 1 of Form 1)	OUTFALL NUMBER
IL 0061247	002

Form Approved
OMB No. 2000-0059
Approval expires 12-31-85

CONTINUED FROM PAGE 3 OF FORM 2-C

PART C - If you are a primary industry and this outfall contains process wastewater, refer to Table 2c-2 in the instructions to determine which of the GC/MS fractions you must test for. Mark "X" in column 2-a for all such GC/MS fractions that apply to your industry and for ALL toxic metals, cyanides, and total phenols. If you are not required to mark column 2-a *(secondary industries, nonprocess wastewater outfalls, and nonrequired GC/MS fractions)*, mark "X" in column 2-b for each pollutant you know or have reason to believe is present. Mark "X" in column 2-c for each pollutant you believe is absent. If you mark column 2a for any pollutant, you must provide the results of at least one analysis for that pollutant. If you mark column 2b for any pollutant, you must provide the results of at least one analysis for that pollutant if you know or have reason to believe it will be discharged in concentrations of 10 ppb or greater. If you mark column 2b for acrolein, acrylonitrile, 2,4 dinitrophenol, or 2-methyl-4, 6 dinitrophenol, you must provide the results of at least one analysis for each of those pollutants which you know or have reason to believe that you discharge in concentrations of 100 ppb or greater. Otherwise, for pollutants for which you mark column 2b, you must either submit at least one analysis or briefly describe the reasons the pollutant is expected to be discharged. Note that there are 7 pages to this part; please review each carefully. Complete one table *(all 7 pages)* for each outfall. See instructions for additional details and requirements.

POLLUTANT AND CAS NUMBER (if available)	2. MARK "X"			3. EFFLUENT							4. UNITS		5. INTAKE (optional)		
	a. TEST-ING REQUIRED	b. BELIEVED PRESENT	c. BELIEVED ABSENT	a. MAXIMUM DAILY VALUE		b. MAXIMUM 30 DAY VALUE (if available)		c. LONG TERM AVRG. VALUE (if available)		d. NO. OF ANALYSES	a. CONCENTRATION	b. MASS	a. LONG TERM AVERAGE VALUE		b. NO. OF ANALYSES
				(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION	(2) MASS	
METALS, CYANIDE, AND TOTAL PHENOLS															
M. Antimony, Total (7440-36-0)	X			<0.005						1	mg/l				
M. Arsenic, Total (7440-38-2)	X			<0.025						1	mg/l				
M. Beryllium, Total, 7440-41-7)	X			<0.001						1	mg/l				
M. Cadmium, Total (7440-43-9)	X			<0.002						1	mg/l				
M. Chromium, Total (7440-47-3)	X			<0.010						1	mg/l				
M. Copper, Total (7440-50-8)	X			0.026						1	mg/l				
M. Lead, Total (7439-92-1)	X			<0.002						1	mg/l				
M. Mercury, Total (7439-97-6)	X			<0.0002	SAMPLE DATE 8/1/03					1	mg/l				
M. Nickel, Total (7440-02-0)	X			0.029						1	mg/l				
OM. Selenium, Total (7782-49-2)	X			<0.050						1	mg/l				
1M. Silver, Total (7440-22-4)	X			<0.010						1	mg/l				
2M. Thallium, Total (7440-28-0)	X			<0.002						1	mg/l				
3M. Zinc, Total (7440-66-6)	X			0.206						1	mg/l				
4M. Cyanide, Total (57-12-5)	X			<0.007						1	mg/l				
5M. Phenols, Total	X									1	mg/l				
DIOXIN															
2,3,7,8-Tetra-chlorodibenzo-P-Dioxin (1764-01-6)			X	DESCRIBE RESULTS											

1. POLLUTANT AND CAS NUMBER (if available)	2. MARK 'X'			3. EFFLUENT							4. UNITS		5. INTAKE (optional)		
	a. TESTING REQUIRED	b. BELIEVED PRESENT	c. BELIEVED ABSENT	a. MAXIMUM DAILY VALUE (1) CONCENTRATION	a. MAXIMUM DAILY VALUE (2) MASS	b. MAXIMUM 30 DAY VALUE (if available) (1) CONCENTRATION	b. MAXIMUM 30 DAY VALUE (if available) (2) MASS	c. LONG TERM AVRG. VALUE (if available) (1) CONCENTRATION	c. LONG TERM AVRG. VALUE (if available) (2) MASS	d. NO. OF ANALYSES	a. CONCENTRATION	b. MASS	a. LONG TERM AVERAGE VALUE (1) CONCENTRATION	a. LONG TERM AVERAGE VALUE (2) MASS	b. NO. OF ANALYSES
GC/MS FRACTION — VOLATILE COMPOUNDS (continued)															
22V. Methylene Chloride (75-09-2)			X												
23V. 1,1,2,2-Tetrachloroethane (79-34-5)			X												
24V. Tetrachloroethylene (127-18-4)			X												
25V. Toluene (108-88-3)			X												
26V. 1,2-Trans-Dichloroethylene (156-60-5)			X												
27V. 1,1,1-Trichloroethane (71-55-6)			X												
28V. 1,1,2-Trichloroethane (79-00-5)			X												
29V. Trichloroethylene (79-01-6)			X												
30V. Trichlorofluoromethane (75-69-4)			X												
31V. Vinyl Chloride (75-01-4)			X												
GC/MS FRACTION — ACID COMPOUNDS															
1A. 2-Chlorophenol (95-57-8)			X												
2A. 2,4-Dichlorophenol (120-83-2)			X												
3A. 2,4-Dimethylphenol (105-67-9)			X												
4A. 4,6-Dinitro-O-Cresol (534-52-1)			X												
5A. 2,4-Dinitrophenol (51-28-5)			X												
6A. 2-Nitrophenol (88-75-5)			X												
7A. 4-Nitrophenol (100-02-7)			X												
8A. P-Chloro-M-Cresol (59-50-7)			X												
9A. Pentachlorophenol (87-86-5)			X												
10A. Phenol (108-95-2)			X												
11A. 2,4,6-Trichlorophenol (88-06-2)			X												

 CONTINUE ON REVERSE

1. POLLUTANT AND CAS NUMBER (if available)	2. MARK 'X'			3. EFFLUENT							4. UNITS		5. INTAKE (optional)		
	a. TESTING REQUIRED	b. BELIEVED PRESENT	c. BELIEVED ABSENT	a. MAXIMUM DAILY VALUE (1) CONCENTRATION	a. MAXIMUM DAILY VALUE (2) MASS	b. MAXIMUM 30 DAY VALUE (if available) (1) CONCENTRATION	b. MAXIMUM 30 DAY VALUE (if available) (2) MASS	c. LONG TERM AVRG. VALUE (if available) (1) CONCENTRATION	c. LONG TERM AVRG. VALUE (if available) (2) MASS	d. NO. OF ANALYSES	a. CONCENTRATION	b. MASS	a. LONG TERM AVERAGE VALUE (1) CONCENTRATION	a. LONG TERM AVERAGE VALUE (2) MASS	b. NO. OF ANALYSES
GC/MS FRACTION — BASE/NEUTRAL COMPOUNDS (continued)															
22B. 1,4-Dichlorobenzene (106-46-7)			X												
23B. 3,3'-Dichlorobenzidine (91-94-1)			X												
24B. Diethyl Phthalate (84-66-2)			X												
25B. Dimethyl Phthalate (131-11-3)			X												
26B. Di-N-Butyl Phthalate (84-74-2)			X												
27B. 2,4-Dinitrotoluene (121-14-2)			X												
28B. 2,6-Dinitrotoluene (606-20-2)			X												
29B. Di-N-Octyl Phthalate (117-84-0)			X												
30B. 1,2-Diphenylhydrazine (as Azobenzene) (122-66-7)			X												
31B. Fluoranthene (206-44-0)			X												
32B. Fluorene (86-73-7)			X												
33B. Hexachlorobenzene (118-74-1)			X												
34B. Hexachlorobutadiene (87-68-3)			X												
35B. Hexachlorocyclopentadiene (77-47-4)			X												
36B. Hexachloroethane (67-72-1)			X												
37B. Indeno (1,2,3-cd) Pyrene (193-39-5)			X												
38B. Isophorone (78-59-1)			X												
39B. Naphthalene (91-20-3)			X												
40B. Nitrobenzene (98-95-3)			X												
41B. N-Nitrosodimethylamine (62-75-9)			X												
42B. N-Nitrosodi-N-Propylamine (621-64-7)			X												

CONTINUE ON REVERSE

1. POLLUTANT AND CAS NUMBER (If available)	2. MARK 'X'			3. EFFLUENT							4. UNITS		5. INTAKE (optional)		
	a. TESTING REQUIRED BY APPLICABLE	b. BELIEVED PRESENT	c. BELIEVED ABSENT	a. MAXIMUM DAILY VALUE		b. MAXIMUM 30 DAY VALUE (if available)		c. LONG TERM AVRG. VALUE (if available)		d. NO. OF ANALYSES	a. CONCENTRATION	b. MASS	a. LONG TERM AVERAGE VALUE		b. NO. OF ANALYSES
				(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION	(2) MASS	
GC/MS FRACTION — PESTICIDES (continued)															
17P. Heptachlor Epoxide (1024-57-3)			X												
18P. PCB-1242 (53469-21-9)			X												
19P. PCB-1254 (11097-69-1)			X												
20P. PCB-1221 (11104-28-2)			X												
21P. PCB-1232 (11141-16-5)			X												
22P. PCB-1248 (12672-29-6)			X												
23P. PCB-1260 (11096-82-5)			X												
24P. PCB-1016 (12674-11-2)			X												
25P. Toxaphene (8001-35-2)			X												

EPA Form 3510-2C (Rev. 4-84)

PAGE V-9

EPA Form 3510-2C (Rev. 2-85)

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EPA I.D. NUMBER *(copy from Item 1 of Form 1)*: IL 0061247

Form Approved. OMB No. 2000-0059 Approval expires 12-31-85

V. INTAKE AND EFFLUENT CHARACTERISTICS *(continued from page 3 of Form 2-C)*

OUTFALL NO. 009

PART A - You must provide the results of at least one analysis for every pollutant in this table. Complete one table for each outfall. See instructions for additional details.

1. POLLUTANT	2. EFFLUENT a. MAXIMUM DAILY VALUE (1) CONCENTRATION	2. EFFLUENT a. MAXIMUM DAILY VALUE (2) MASS	2. EFFLUENT b. MAXIMUM 30 DAY VALUE (if available) (1) CONCENTRATION	2. EFFLUENT b. MAXIMUM 30 DAY VALUE (if available) (2) MASS	2. EFFLUENT c. LONG TERM AVRG. VALUE (if available) (1) CONCENTRATION	2. EFFLUENT c. LONG TERM AVRG. VALUE (if available) (2) MASS	2. EFFLUENT d. NO. OF ANALYSES	3. UNITS (specify if blank) a. CONCENTRATION	3. UNITS b. MASS	4. INTAKE (optional) a. LONG TERM AVERAGE VALUE (1) CONCENTRATION	4. INTAKE (optional) a. LONG TERM AVERAGE VALUE (2) MASS	4. INTAKE (optional) b. NO. OF ANALYSES
a. Biochemical Oxygen Demand (BOD)												
b. Chemical Oxygen Demand (COD)												
c. Total Organic Carbon (TOC)												
d. Total Suspended Solids (TSS)	42				16.5		24	mg/l				
e. Ammonia (as N)												
f. Flow	VALUE 320		VALUE		VALUE 147		24	GPM		VALUE		
g. Temperature (winter)	VALUE		VALUE		VALUE			°C		VALUE		
h. Temperature (summer)	VALUE		VALUE		VALUE			°C		VALUE		
i. pH	MINIMUM 7.73	MAXIMUM 8.37	MINIMUM	MAXIMUM			24	STANDARD UNITS				

PART B - Mark "X" in column 2-a for each pollutant you know or have reason to believe is present. Mark "X" in column 2-b for each pollutant you believe to be absent. If you mark column 2a for any pollutant which is limited either directly, or indirectly but expressly, in an effluent limitations guideline, you must provide the results of at least one analysis for that pollutant. For other pollutants for which you mark column 2a, you must provide quantitative data or an explanation of their presence in your discharge. Complete one table for each outfall. See the instructions for additional details and requirements.

1. POLLUTANT AND CAS NO. (If available)	2. MARK "X" a. BELIEVED PRESENT	2. MARK "X" b. BELIEVED ABSENT	3. EFFLUENT a. MAXIMUM DAILY VALUE (1) CONCENTRATION	3. EFFLUENT a. MAXIMUM DAILY VALUE (2) MASS	3. EFFLUENT b. MAXIMUM 30 DAY VALUE (if available) (1) CONCENTRATION	3. EFFLUENT b. MAXIMUM 30 DAY VALUE (if available) (2) MASS	3. EFFLUENT c. LONG TERM AVRG. VALUE (if available) (1) CONCENTRATION	3. EFFLUENT c. LONG TERM AVRG. VALUE (if available) (2) MASS	3. EFFLUENT d. NO. OF ANALYSES	4. UNITS a. CONCENTRATION	4. UNITS b. MASS	5. INTAKE (optional) a. LONG TERM AVERAGE VALUE (1) CONCENTRATION	5. INTAKE (optional) a. LONG TERM AVERAGE VALUE (2) MASS	5. INTAKE (optional) b. NO. OF ANALYSES
a. Bromide (24959-67-9)		X												
b. Chlorine, Total Residual		X												
c. Color		X												
d. Fecal Coliform		X												
e. Fluoride (16984-48-8)		X												
f. Nitrate-Nitrite (as N)		X												

EPA I.D. NUMBER (copy from Item 1 of Form 1)	OUTFALL NUMBER
IL 0061247	009

Form Approved.
OMB No. 2000-0059
Approval expires 12-31-85

CONTINUED FROM PAGE 3 OF FORM 2-C

PART C - If you are a primary industry and this outfall contains process wastewater, refer to Table 2c-2 in the instructions to determine which of the GC/MS fractions you must test for. Mark "X" in column 2-a for all such GC/MS fractions that apply to your industry and for ALL toxic metals, cyanides, and total phenols. If you are not required to mark column 2-a *(secondary industries, nonprocess wastewater outfalls, and nonrequired GC/MS fractions)*, mark "X" in column 2-b for each pollutant you know or have reason to believe is present. Mark "X" in column 2-c for each pollutant you believe is absent. If you mark column 2a for any pollutant, you must provide the results of at least one analysis for that pollutant. If you mark column 2b for any pollutant, you must provide the results of at least one analysis for that pollutant if you know or have reason to believe it will be discharged in concentrations of 10 ppb or greater. If you mark column 2b for acrolein, acrylonitrile, 2,4 dinitrophenol, or 2-methyl-4, 6 dinitrophenol, you must provide the results of at least one analysis for each of these pollutants which you know or have reason to believe that you discharge in concentrations of 100 ppb or greater. Otherwise, for pollutants for which you mark column 2b, you must either submit at least one analysis or briefly describe the reasons the pollutant is expected to be discharged. Note that there are 7 pages to this part; please review each carefully. Complete one table *(all 7 pages)* for each outfall. See instructions for additional details and requirements.

POLLUTANT AND CAS NUMBER (If available)	2. MARK "X"			3. EFFLUENT							4. UNITS		5. INTAKE (optional)		
	a. TEST-ING NOT REQUIRED	b. BELIEVED PRESENT	c. BELIEVED ABSENT	a. MAXIMUM DAILY VALUE (1) CONCENTRATION	a. MAXIMUM DAILY VALUE (2) MASS	b. MAXIMUM 30 DAY VALUE (if available) (1) CONCENTRATION	b. MAXIMUM 30 DAY VALUE (if available) (2) MASS	c. LONG TERM AVRG. VALUE (if available) (1) CONCENTRATION	c. LONG TERM AVRG. VALUE (if available) (2) MASS	d. NO. OF ANALYSES	a. CONCENTRATION	b. MASS	a. LONG TERM AVERAGE VALUE (1) CONCENTRATION	a. LONG TERM AVERAGE VALUE (2) MASS	b. NO. OF ANALYSES
METALS, CYANIDE, AND TOTAL PHENOLS															
A. Antimony, Total (7440-36-0)	X			<0.005						1	mg/l				
A. Arsenic, Total (7440-38-2)	X			<0.025						1	mg/l				
A. Beryllium, Total, 7440-41-7)	X			<0.001						1	mg/l				
A. Cadmium, Total (7440-43-9)	X			<0.002						1	mg/l				
A. Chromium, Total (7440-47-3)	X			<0.010						1	mg/l				
L Copper, Total (140-50-8)	X			<0.010						1	mg/l				
L Lead, Total (139-92-1)	X			<0.002						1	mg/l				
M. Mercury, Total (439-97-6)	X			<0.0002	SAMPLE DATE 8/1/03					1	mg/l				
N. Nickel, Total (440-02-0)	X			<0.010						1	mg/l				
M. Selenium, Total (7782-49-2)	X			<0.050						1	mg/l				
M. Silver, Total (140-22-4)	X			<0.010						1	mg/l				
M. Thallium, Total (7440-28-0)	X			<0.002						1	mg/l				
M. Zinc, Total (140-66-6)	X			<0.01						1	mg/l				
M. Cyanide, Total (57-12-5)	X			<0.007						1	mg/l				
M. Phenols, Total	X									1	mg/l				
DIOXIN															
2,3,7,8-Tetrachlorodibenzo-p-dioxin (1764-01-6)			X	DESCRIBE RESULTS											

1. POLLUTANT AND CAS NUMBER (If available)	2. MARK 'X' a. TESTING REQUIRED (see instructions)	b. BELIEVED PRESENT	c. BELIEVED ABSENT	3. EFFLUENT a. MAXIMUM DAILY VALUE (1) CONCENTRATION	(2) MASS	b. MAXIMUM 30 DAY VALUE (if available) (1) CONCENTRATION	(2) MASS	c. LONG TERM AVRG. VALUE (if available) (1) CONCENTRATION	(2) MASS	d. NO. OF ANALYSES	4. UNITS a. CONCENTRATION	b. MASS	5. INTAKE (optional) a. LONG TERM AVERAGE VALUE (1) CONCENTRATION	(2) MASS	b. NO. OF ANALYSES
GC/MS FRACTION – VOLATILE COMPOUNDS (continued)															
22V. Methylene Chloride (75-09-2)			X												
23V. 1,1,2,2-Tetrachloroethane (79-34-5)			X												
24V. Tetrachloroethylene (127-18-4)			X												
25V. Toluene (108-88-3)			X												
26V. 1,2-Trans-Dichloroethylene (156-60-5)			X												
27V. 1,1,1-Trichloroethane (71-55-6)			X												
28V. 1,1,2-Trichloroethane (79-00-5)			X												
29V. Trichloroethylene (79-01-6)			X												
30V. Trichlorofluoromethane (75-69-4)			X												
31V. Vinyl Chloride (75-01-4)			X												
GC/MS FRACTION – ACID COMPOUNDS															
1A. 2-Chlorophenol (95-57-8)			X												
2A. 2,4-Dichlorophenol (120-83-2)			X												
3A. 2,4-Dimethylphenol (105-67-9)			X												
4A. 4,6-Dinitro-O-Cresol (534-52-1)			X												
5A. 2,4-Dinitrophenol (51-28-5)			X												
6A. 2-Nitrophenol (88-75-5)			X												
7A. 4-Nitrophenol (100-02-7)			X												
8A. P-Chloro-M-Cresol (59-50-7)			X												
9A. Pentachlorophenol (87-86-5)			X												
10A. Phenol (108-95-2)			X												
11A. 2,4,6-Trichlorophenol (88-06-2)			X												

1. POLLUTANT AND CAS NUMBER (if available)	2. MARK 'X' a. TESTING REQUIRED	b. BELIEVED PRESENT	c. BELIEVED ABSENT	3. EFFLUENT a. MAXIMUM DAILY VALUE (1) CONCENTRATION	(2) MASS	b. MAXIMUM 30 DAY VALUE (if available) (1) CONCENTRATION	(2) MASS	c. LONG TERM AVRG. VALUE (if available) (1) CONCENTRATION	(2) MASS	d. NO. OF ANALYSES	4. UNITS a. CONCENTRATION	b. MASS	5. INTAKE (optional) a. LONG TERM AVERAGE VALUE (1) CONCENTRATION	(2) MASS	b. NO. OF ANALYSES
GC/MS FRACTION – BASE/NEUTRAL COMPOUNDS (continued)															
22B. 1,4-Dichlorobenzene (106-46-7)			X												
23B. 3,3'-Dichlorobenzidine (91-94-1)			X												
24B. Diethyl Phthalate (84-66-2)			X												
25B. Dimethyl Phthalate (131-11-3)			X												
26B. Di-N-Butyl Phthalate (84-74-2)			X												
27B. 2,4-Dinitrotoluene (121-14-2)			X												
28B. 2,6-Dinitrotoluene (606-20-2)			X												
29B. Di-N-Octyl Phthalate (117-84-0)			X												
30B. 1,2-Diphenylhydrazine (as Azobenzene) (122-66-7)			X												
31B. Fluoranthene (206-44-0)			X												
32B. Fluorene (86-73-7)			X												
33B. Hexachlorobenzene (118-74-1)			X												
34B. Hexachlorobutadiene (87-68-3)			X												
35B. Hexachlorocyclopentadiene (77-47-4)			X												
36B. Hexachloroethane (67-72-1)			X												
37B. Indeno (1,2,3-cd) Pyrene (193-39-5)			X												
38B. Isophorone (78-59-1)			X												
39B. Naphthalene (91-20-3)			X												
40B. Nitrobenzene (98-95-3)			X												
41B. N-Nitrosodimethylamine (62-75-9)			X												
42B. N-Nitrosodi-N-Propylamine (621-64-7)			X												

1. POLLUTANT AND CAS NUMBER (if available)	2. MARK "X" a. Test Included	2. MARK "X" b. Believed Present	2. MARK "X" c. Believed Absent	3. EFFLUENT a. MAXIMUM DAILY VALUE (1) Concentration	3. EFFLUENT a. MAXIMUM DAILY VALUE (2) Mass	3. EFFLUENT b. MAXIMUM 30 DAY VALUE (if available) (1) Concentration	3. EFFLUENT b. MAXIMUM 30 DAY VALUE (if available) (2) Mass	3. EFFLUENT c. LONG TERM AVRG. VALUE (if available) (1) Concentration	3. EFFLUENT c. LONG TERM AVRG. VALUE (if available) (2) Mass	3. EFFLUENT d. NO. OF ANALYSES	4. UNITS a. CONCENTRATION	4. UNITS b. MASS	5. INTAKE (optional) a. LONG TERM AVERAGE VALUE (1) Concentration	5. INTAKE (optional) a. LONG TERM AVERAGE VALUE (2) Mass	5. INTAKE (optional) b. NO. OF ANALYSES
GC/MS FRACTION – PESTICIDES *(continued)*															
17P. Heptachlor Epoxide (1024-57-3)			X												
18P. PCB-1242 (53469-21-9)			X												
19P. PCB-1254 (11097-69-1)			X												
20P. PCB-1221 (11104-28-2)			X												
21P. PCB-1232 (11141-16-5)			X												
22P. PCB-1248 (12672-29-6)			X												
23P. PCB-1260 (11096-82-5)			X												
24P. PCB-1016 (12674-11-2)			X												
25P. Toxaphene (8001-35-2)			X												

EXHIBIT 3

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
ENVIRONMENTAL LAW AND POLICY CENTER, on behalf of PRAIRIE RIVERS NETWORK and SIERRA CLUB, ILLINOIS CHAPTER,	)	**PCB NO. 2010-061 and 2011-002 (Consolidated–Water -- Enforcement)**
	)	
Intervenor,	)	
	)	
v.	)	
	)	
FREEMAN UNITED COAL MINING COMPANY, LLC, a Delaware limited liability company, and SPRINGFIELD COAL COMPANY, LLC, a Delaware limited liability company,	)	
	)	
Respondents.	)	

AFFIDAVIT OF THOMAS J. AUSTIN

Thomas J. Austin, being first duly sworn upon oath, deposes and states as follows:

1. My name is Thomas J. Austin. I am currently the Vice President of Human Resources and Government Relations for Springfield Coal Company, LLC. ("Springfield Coal"). I have held this position since Springfield Coal acquired the Industry Mine from Freeman United Coal Mining Company, LLC ("Freeman United") on August 31, 2007.

2. From November 28, 2005 through August 31, 2007, I was the Vice President of Human Resources and Government Relations for Freeman United. From December 27, 2004 through November 28, 2005, I was the Director of Environmental Health and Safety for Freeman United.

3. As Director of Environmental Health and Safety at Freeman United and as Vice President of Human Resources and Government Relations for Freeman United and Springfield Coal, I was aware that the discharge monitoring reports ("DMRs") were submitted to the Illinois Environmental Protection Agency ("IEPA").

4. I have reviewed the Prairie Rivers Network and Sierra Club's ("Intervenors") Motion for Summary Judgment filed April 27, 2012 and the exceedances they allege of the sulfate effluent limitation in the NPDES Permit. I have also reviewed the sulfate

data reported on the DMRs for the Industry Mine and have reviewed the current water quality standard for sulfate adopted by the Illinois Pollution Control Board on September 19, 2008. Under this new standard, Springfield Coal would have had significantly fewer exceedances for sulfate. In their Motion, the Intervenors have alleged that from the time Springfield Coal began operating the Industry Mine in September 2007 through September 2011, Springfield Coal had 124 excursions of the sulfate effluent limitation in its NPDES Permit. However, if Springfield Coal had been subject to the new increased sulfate standard during this four year period, there would have been 91 less excursions, a reduction of almost 75%.

5. I have reviewed the Intervenors' Motion for Summary Judgment filed April 27, 2012 and the exceedances they allege of the effluent limitations in the NPDES Permit. I have also reviewed the data reported on the DMRs for the Industry Mine that were submitted to IEPA. There are numerous discrepancies between the information in the Intervenors' Motion for Summary Judgment and the data reported on the DMRs. There are 66 instances where the Intervenors have alleged there to be violations when in fact no such violations have occurred. For example, the Intervenors allege that in April 2008, June 2008, and February 2011 Springfield Coal's discharges for Outfall 017 exceeded its permit limit. However, Outfall 017 was not discharging during the months claimed. In September 2010, Intervenors allege that there was a discharge of sulfate from Outfall 009 at a concentration of 1136 mg/L. However, this is actually an averaged value and the NPDES Permit does not have a monthly average effluent limitation for sulfate, therefore, this would not be an exceedance of the effluent limitation in the NPDES Permit. And in January 2010, the Intervenors allege that the Industry Mine's discharge at Outfall 019 had a pH of 9.04, when actually the DMR shows a pH value of 8.38, which is not a violation of the NPDES Permit.

Also, the Intervenors identify the following 61 occurrences as exceedances of the monthly average effluent limitations in the NPDES Permit, however, the DMRs indicate that less than three samples were taken in those particular months and therefore pursuant to 35 IAC 406.101(b), which requires a monthly average to be based on at least three grab samples, these would not be exceedances:

Constituent	Month/Year	Outfall	Discharge Concentration
Iron	January 2010	033	3.52 mg/L
Iron	January 2010	031	8.08 mg/L
Iron	June 2010	031	4.39 mg/L
Iron	June 2010	032	12.18 mg/L
Iron	June 2010	033	4.905 mg/L
Iron	July 2010	032	7.02 mg/L
Iron	February 2011	031	4.30 mg/L
Iron	February 2011	033	4.66 mg/L
Iron	April 2011	031	4.04 mg/L
Iron	May 2011	031	24.10 mg/L
Iron	May 2011	035	4.84 mg/L

Iron	June 2011	031	8.575 mg/L
Manganese	January 2008	019	12.9 mg/L
Manganese	May 2008	019	6.95 mg/L
Manganese	July 2008	019	3.79 mg/L
Manganese	August 2008	019	3.43 mg/L
Manganese	September 2008	019	3.47 mg/L
Manganese	December 2008	018	2.2 mg/L
Manganese	January 2009	018	2.165 mg/L
Manganese	January 2010	009	2.76 mg/L
Manganese	March 2010	018	2.39 mg/L
Manganese	May 2010	018	2.13 mg/L
Manganese	June 2010	018	2.32 mg/L
Manganese	December 2010	018	2.55 mg/L
Manganese	January 2011	003	2.13 mg/L
Manganese	January 2011	009	2.91 mg/L
Manganese	January 2011	018	4.97 mg/L
Manganese	February 2011	018	2.78 mg/L
Manganese	May 2011	018	3.99 mg/L
Manganese	June 2011	018	3.18 mg/L
Manganese	July 2011	018	2.73 mg/L
Manganese	September 2011	018	2.13 mg/L
Manganese	January 2010	026	5.12 mg/L
Manganese	May 2010	026	2.695 mg/L
Manganese	December 2010	026	2.75 mg/L
Manganese	January 2011	024W	2.47 mg/L
Manganese	January 2011	026	2.61 mg/L
Manganese	February 2011	019	2.75 mg/L
Manganese	February 2011	024W	2.36 mg/L
Manganese	February 2011	026	2.73 mg/L
Manganese	March 2011	019	2.89 mg/L
Manganese	April 2011	019	2.25 mg/L
Manganese	May 2011	019	2.88 mg/L
Manganese	June 2011	026	2.09 mg/l
Manganese	July 2011	019	2.19 mg/l
Manganese	September 2011	019	3.07 mg/L
TSS	February 2008	003	49.0 mg/L
TSS	February 2008	029	64.0 mg/L
TSS	June 2008	003	41.0 mg/L
TSS	March 2010	031	42.5 mg/L
TSS	March 2010	033	37.0 mg/L
TSS	June 2010	018	49.0 mg/L
TSS	July 2010	018	38.5 mg/L
TSS	May 2010	033	43.0 mg/L
TSS	June 2010	031	44.0 mg/L
TSS	June 2010	032	45.5 mg/L

TSS	June 2010	033	36.0 mg/L
TSS	July 2010	032	47.0 mg/L
TSS	February 2011	033	64.0 mg/L
TSS	April 2010	035	60.0 mg/L
TSS	May 2010	035	36.0 mg/L

6. In addition to the Compliance Commitment Agreement submitted to the IEPA on August 30, 2007, Springfield Coal has submitted to IEPA compliance plans on February 18, 2010, May 7, 2010, June 3, 2010, June 30, 2011, and August 1, 2011. Springfield Coal has spent over $600,000 in undertaking the work under the compliance plans and work outside of the compliance plans to help maintain compliance with the NPDES Permit.

7. Springfield Coal has employed and utilized professional engineers to assist in, among other things, developing compliance plans and to ensure that the Springfield Coal complies with the terms of its NPDES Permit. Springfield Coal has utilized three licensed professional engineers from 2007 to the present at the Industry Mine, including Steven C. Phifer, P.E., Craig A. Schoonover, P.E., and Cory A. Schoonover, P.E. These engineers have significant experience in environmental management and remediation, civil engineering, construction engineering, mining engineering, and management of coal combustion waste. They have worked at consulting firms in the past. For example, Steven C. Phifer, P.E., served as Freeman United's Environmental Engineer/Project Engineer from 1978 to 2008 and is currently serving as Springfield Coal's Environmental Engineer from 2010 to the present. Craig A. Schoonover, P.E., has over twenty-five years of experience in environmental management, planning, engineering, permitting, remediation, and regulatory compliance.

8. Prior to July 21, 2003, the Industry Mine's NPDES Permit had an effluent limitation for sulfate of 3500 mg/l. Based upon my staff's review of the DMRs, from 1989 to July 21, 2003, the Industry Mine had zero exceedances of the sulfate effluent limitation in its NPDES Permit. On July 21, 2003, NPDES Permit was modified to significantly lower the sulfate effluent limitation to the limits that currently exist in the NPDES Permit (i.e., as low as 500 mg/l). Since July 21, 2003, the operations of the Industry Mine have not changed in any significant way which would materially affect the concentrations of sulfate being discharged.

9. Many of the Industry Mine outfalls did not discharge on a daily basis. The frequency of the discharges from the different outfalls at the Industry Mine was not constant, varying due to factors such as rainfall; thus, a given outfall may have discharged only one or two days in a reporting period, or not at all.

10. On April 27, 2012, I submitted an affidavit in the above matter (herein "April 2012 Affidavit"). To my knowledge, all of the information and exhibits in the April 2012 Affidavit is accurate and true except for one minor correction. Item number 22 of the April 2012 Affidavit states the following: "Sampling of the streams traversing the

Industry Mine property was conducted in 1979 prior to any mining operations commencing on the property." Based upon my review of documents in preparation for submitting this affidavit, I discovered that the sampling of the streams occurred in 1978, not 1979.

11. Item number 24 of the April 2012 Affidavit has been updated to include how upstream sampling has identified regular occurrences of settleable solids in excess of the effluent limits in the Industry Mines' NPDES Permit. Below is the updated version, including information regarding the settleable solids:

Sampling of the streams traversing the Industry Mine property have been conducted since 2003. I have reviewed the data generated from such sampling and it has regularly shown that the concentrations of iron, chlorides, and TSS are at higher concentrations upstream of Industry Mine rather than downstream. Moreover, the upstream sampling has identified regular occurrences of iron, TSS, and settleable solids at concentrations in excess of the effluent limits in the Industry Mine's NPDES Permit. The following are the effluent limitations in the NPDES Permit and examples of upstream sampling results:

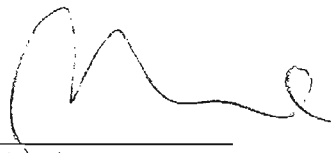
NPDES Permit Limits	**Iron - mg/l**	**Total Suspended Solids (TSS) mg/l**	**Settleable Solids ml/l**
30 Day Avg.	3.0	35	
Daily Max	6.0	70	0.5

Date of Upstream Sample	**Iron–mg/l**	**Total Suspended Solids (TSS) mg/l**	**Settleable Solids ml/l**
7/18/2003	32.5	1900	1.2
3/5/2004	4.77	153	
4/22/2009		63	
10/30/2009	12.4	83	
11/30/2009		167	
1/24/2010		86	
3/11/2010	4.86	203	
7/21/2010	18.3	387	
2/28/2011	19.6	114	1.0
4/25/2011		73	
5/25/2011	36.2	760	

True and correct copies of the laboratory reports from which this data is taken were attached as Exhibits 1M to the April 2012 Affidavit.

This concludes my affidavit.

Affiant:



Thomas J. Austin

Subscribed and sworn to before me this 6 day of June, 2012.

Notary Public