

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF:

PRAIRIE RIVERS NETWORK, )  
 by and for its members, )  
 SIERRA CLUB, ILLINOIS )  
 CHAPTER, by and for its members )  
 )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 FREEMAN UNITED COAL )  
 MINING CO., L.L.C., and )  
 SPRINGFIELD COAL CO., L.L.C. )  
 )  
 Respondents. )

PCB 2010-061  
(Enforcement-Water)

**NOTICE OF ELECTRONIC FILING**

To: Attached Service List

PLEASE TAKE NOTICE that on August 5, 2013, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, **INTERVENORS' RESPONSE TO SPRINGFIELD COAL'S SUPPLEMENT TO THE APPLICATION FOR CONFIDENTIAL AND NONDISCLOSABLE INFORMATION DESIGNATION, SEAL, AND PROTECTIVE ORDER** a copy of which is attached hereto and herewith served upon you.

Respectfully Submitted,




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Jessica Dexter  
 Environmental Law and Policy Center  
 35 East Wacker Drive, Ste. 1600  
 Chicago, IL 60601  
 312-795-3747

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PRAIRIE RIVERS NETWORK, )  
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SIERRA CLUB, ILLINOIS )  
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Complainant, )  
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FREEMAN UNITED COAL )  
MINING CO., L.L.C., and )  
SPRINGFIELD COAL CO., L.L.C. )  
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Respondents. )

PCB 2010-061  
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**INTERVENORS' RESPONSE TO SPRINGFIELD COAL'S SUPPLEMENT TO THE  
APPLICATION FOR CONFIDENTIAL AND NONDISCLOSABLE INFORMATION  
DESIGNATION, SEAL, AND PROTECTIVE ORDER**

Intervenors Prairie Rivers Network and Sierra Club respectfully submit this response to Springfield Coal's *Supplement to the Application for Confidential and Nondisclosable Information Designation, Seal, and Protective Order* filed on July 29, 2013. Intervenors' response to Springfield Coal's June 24, 2013 Application For Confidential and Non-Disclosable Information Designation, Seal, And Protective Order ("the First Application") focused on 1) the inadequacy of the First Application and 2) our concern that the upcoming penalty hearing be an open public hearing where such information may be presented. While we do not necessarily agree with Springfield Coal's legal reasoning, the *Supplement to the Application for Confidential and Nondisclosable Information Designation, Seal, and Protective Order* appears to have supplemented the basis for its request, and clarified that it is not at this time seeking any ruling regarding whether or how the information be presented at the hearing. We agree that the mechanics of how any of the requested information may be presented at the penalty hearing can be addressed at a later time.

Should the Board choose to grant the requested protective order regarding confidential treatment of certain information, Intervenors' remaining concern is that our preparation for the hearing not be hampered by any such order. It may be necessary to consult with third parties to interpret the data, such as potential non-party witnesses, or consulting experts. Intervenors

therefore request that any protective order issued accommodate reasonable preparation by Intervenor and third parties who may assist Intervenor with hearing preparation.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'JD', with a long horizontal flourish extending to the right.

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Jessica Dexter  
Staff Attorney  
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35 East Wacker Drive, Ste. 1600  
Chicago, IL 60601  
312-795-3747

*Attorney for Sierra Club and Prairie Rivers  
Network*

**CERTIFICATE OF SERVICE**

I, Jessica Dexter, hereby certify that I have filed the attached **INTERVENORS RESPONSE TO SPRINGFIELD COAL'S SUPPLEMENT TO THE APPLICATION FOR CONFIDENTIAL AND NONDISCLOSABLE INFORMATION DESIGNATION, SEAL, AND PROTECTIVE ORDER** in PCB 2010-061 upon the below service list by depositing said documents in the United States Mail, postage prepaid, in Chicago, Illinois on August 5, 2013

Respectfully submitted,



Jessica Dexter  
Staff Attorney  
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Chicago, IL 60601  
312-795-3747

**PCB 2010-061 Service List:**

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