

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

PEOPLE OF THE STATE OF	)	
ILLINOIS,	)	
	)	
Complainant,	)	
	)	PCB 2010-061 and 2011-002
ENVIRONMENTAL LAW AND	)	(Consolidated – Water –
POLICY CENTER, on behalf of PRAIRIE	)	Enforcement)
RIVERS NETWORK and SIERRA CLUB,	)	
ILLINOIS CHAPTER,	)	
	)	
Intervenor,	)	
	)	
v.	)	
	)	
FREEMAN UNITED COAL	)	
MINING CO., L.L.C., and	)	
SPRINGFIELD COAL COMPANY, LLC,	)	
	)	
Respondents.	)	

**SPRINGFIELD COAL COMPANY, LLC'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS TO INTERVENORS**

Respondent Springfield Coal Company, LLC ("Springfield Coal"), through its undersigned counsel, and pursuant to Illinois Supreme Court Rule 214 and Illinois Pollution Control Board Rule 35 Ill. Admin. Code 101.616, propound the following Request for Production of Documents, nos. 23 - 26, to the Prairie Rivers Network and Sierra Club, Illinois Chapter (collectively the "Intervenors"), the response to which will be due within 28 days from the date of service below.

**GROUPING OR NUMBERING OF ITEMS PRODUCED**

Pursuant to Illinois Supreme Court Rule 214, it is requested that the documents or other records submitted in response to Springfield Coal's Request for Production of Documents be

organized and labeled according to the individual paragraphs of the request to which they are responsive, and within each group, arranged in chronological order.

**PLACE, TIME AND MANNER OF RESPONSE**

A response to Springfield Coal's Request for Production of Documents is due within 28 days after service of Springfield Coal's Request for Production of Documents, and shall be made at the mailing addresses of the undersigned attorneys for Springfield Coal, or at such other place as the parties may agree.

**INSTRUCTIONS AND DEFINITIONS OF TERMS**

1. If you claim privilege as a ground for not responding completely to a discovery request, or otherwise object to a discovery request, describe the factual and legal basis for your claim of privilege or other objection and provide a privilege log in accordance with Illinois Supreme Court Rule 201(n).

2. If any of the discovery requests cannot be responded to in full by Intervenors, then Intervenors should respond to the extent possible, and specify the reasons for their inability to respond to the remaining of the discovery requests.

3. In responding to the discovery requests, please furnish such information as is known, or is available to Intervenors, regardless of whether this information is obtained directly by, or known to, or obtained by their attorneys or their agents or representatives.

4. The term "2005 CCA" means the compliance commitment agreement entered on June 16, 2005 between IEPA and Freeman United Coal Mining Company ("Freeman United") regarding alleged discharge violations at the Industry Mine contained in a March 11, 2005 notice of violation issued to Freeman United by IEPA.

5. The term "all documents" means every document as defined above known to you and every document which can be located or discovered by reasonable diligent efforts.

6. The term “Act” means the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*

7. The term “Attorney General” means the Attorney General of the State of Illinois, Lisa Madigan, and all employees and representatives of the Attorney General.

8. The term “communication” means every matter or means of disclosure, transfer or exchange, and every disclosure, transfer or exchange of information whether orally or face to face or by telephone, mail, electronic messages, personal delivery, document, or otherwise.

9. The term “Complaint” means the complaint filed by Intervenors in the case of *Illinois v. Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC*, PCB No. 11-02 on February 25, 2010.

10. The term “documents” means all writings of any kind, including the originals, and all non-identical copies, whether different from the original by reason of any notation made on such copy or otherwise, including, without limitation, correspondence, memoranda, notes, electronic mail, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, work papers, plats, films, tapes, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intra-office communications, offers, notations of any sort, conversations, ledgers, invoices, billings, drawings, sketches, photographs, applications, financial statements, bank statements, bank debit and credit memoranda, loan ledgers, promissory notes, security agreements, deeds of trust, financing statements, records or any special or expense accounts, any and all other writings, printings or drafts or copies of reproductions thereof, irrespective of form, in your possession, custody or control.

11. The term “DMR(s)” means the discharge monitoring reports submitted by Freeman United and/or Springfield Coal for discharges from the Industry Mine.

12. The term “IEPA” means the Illinois Environmental Protection Agency and its representatives.

13. The term “include(s)” or “including” means and incorporates therein the phrase “including, but not limited to.”

14. The term “Industry Mine” means the mine located in McDonough and Schuyler Counties approximately 5 miles southwest of Industry, Illinois.

15. The term “NPDES Permit” means the National Pollution Discharge Elimination System permit for the Industry Mine, NPDES Permit No. IL0061247.

16. The term “or” means and incorporates therein the term “and/or.”

17. The term “person(s)” means any individual, corporation, proprietorship, partnership, association or any other entity.

18. The terms “you,” “your,” or “Intervenors” means Prairie Rivers Network and Sierra Club, Illinois Chapter.

19. The term “water pollution” means such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

#### **SPRINGFIELD COAL’S DOCUMENT REQUESTS**

23. All documents and communications related to whether or not Springfield Coal caused or tended to cause water pollution in Illinois as alleged in the Intervenors’ Complaint.

24. All documents and communications related to whether or not Springfield Coal caused or likely created a nuisance or rendered the waters of the State harmful or detrimental or

injurious to agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life as alleged in the Intervenor's Complaint.

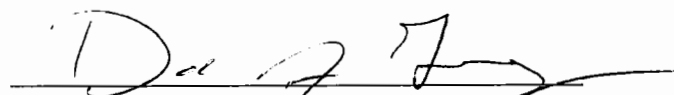
25. All documents and communications related to any violations of a water quality standard for Grindstone Creek or its tributaries since September 1, 2007.

26. All documents and communications related to whether or not Springfield Coal caused or contributed to a violation of the water quality standard applicable pursuant to Section 302.208(h) of the Board's Water Quality Standards, as alleged in the Intervenor's Complaint.

Dated: Sept. 19, 2013

Respectfully submitted,

BRYAN CAVE LLP

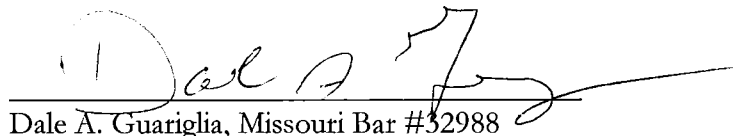


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John R. Kindschuh, Illinois Bar #6284933  
One Metropolitan Square  
211 North Broadway Suite 3600  
St. Louis, MO 63102  
Telephone: (314) 259-2000

*Attorneys for Respondent,  
Springfield Coal Company, LLC*

**CERTIFICATE OF SERVICE**

**NOW COMES** Dale A. Guariglia, counsel for Respondent, Springfield Coal Company, LLC, and provides proof of service of the attached SPRINGFIELD COAL COMPANY, LLC'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS TO INTERVENORS upon Jessica Dexter, Environmental Law & Policy Center, 35 E. Wacker Dr., Ste. 1600, Chicago, IL 60601, by having a true and correct copy affixed with proper postage placed in the U.S. Mail on Sept. 19, 2013



Dale A. Guariglia, Missouri Bar #52988  
John R. Kindschuh, Illinois Bar #6284933  
BRYAN CAVE LLP  
One Metropolitan Square  
211 North Broadway Suite 3600  
St. Louis, MO 63102  
Telephone: (314) 259-2000

*Attorneys for Respondent,  
Springfield Coal Company, LLC*

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

PEOPLE OF THE STATE OF	)	
ILLINOIS,	)	
	)	
Complainant,	)	
	)	PCB 2010-061 and 2011-002
ENVIRONMENTAL LAW AND POLICY	)	(Consolidated – Water -
CENTER on behalf of PRAIRIE RIVERS	)	Enforcement)
NETWORK and SIERRA CLUB, ILLINOIS	)	
CHAPTER,	)	
	)	
Intervenor,	)	
	)	
v.	)	
	)	
FREEMAN UNITED COAL	)	
MINING CO., L.L.C., and	)	
SPRINGFIELD COAL COMPANY, LLC,	)	
	)	
Respondents.	)	

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**SPRINGFIELD COAL COMPANY, LLC'S**  
**FIRST SET OF INTERROGATORIES TO INTERVENORS**

Respondent Springfield Coal Company, LLC (“Springfield Coal”) through its undersigned counsel, and pursuant to Illinois Supreme Court Rule 213 and Illinois Pollution Control Board Rule 35 Ill. Admin. Code 101.620, propound the following Interrogatories, nos. 14 - 17, to Prairie Rivers Network and Sierra Club, Illinois Chapter (collectively the “Intervenors”), the response to which will be due within 28 days from the date of service below.

**PLACE, TIME AND MANNER OF RESPONSE**

A response to Springfield Coal's Interrogatories is due within 28 days after service of Springfield Coal's Interrogatories, and shall be made at the mailing addresses of the undersigned attorneys for Springfield Coal, or at such other place as the parties may agree.

**INSTRUCTIONS AND DEFINITIONS OF TERMS**

1. Each interrogatory is to be set forth immediately above your response. If additional space is required for your response the continuation of the response should be provided on a separate page.

2. If you claim privilege as a ground for not responding completely to a discovery request, or otherwise object to a discovery request, describe the factual and legal basis for your claim of privilege or other objection and provide a privilege log in accordance with Illinois Supreme Court Rule 201(n).

3. If any of the discovery requests cannot be responded to in full by Intervenors, then Intervenors should respond to the extent possible, and specify the reasons for their inability to respond to the remaining of the discovery requests.

4. In responding to the discovery requests, please furnish such information as is known, or is available to Intervenors, regardless of whether this information is obtained directly by, or known to, or obtained by their attorneys or their agents or representatives.

5. The term "Act" means the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*

6. The term "Attorney General" means the Attorney General of the State of Illinois, Lisa Madigan, and all employees and representatives of the Attorney General.



7. The term "Complaint" means the complaint filed by Intervenors in the case of *Illinois v. Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC*, PCB No. 11-02 on February 25, 2010.

8. The term "IEPA" means the Illinois Environmental Protection Agency and its representatives.

9. The term "include(s)" or "including" means and incorporates therein the phrase "including, but not limited to."

10. The term "Industry Mine" means the mine located in McDonough and Schuyler Counties approximately 5 miles southwest of Industry, Illinois.

11. The term "NPDES Permit" means the National Pollution Discharge Elimination System permit for the Industry Mine, NPDES Permit No. IL0061247.

12. The term "or" means and incorporates therein the term "and/or."

13. The term "person(s)" means any individual, corporation, proprietorship, partnership, association or any other entity.

14. The terms "you," "your," or "Intervenors" means Prairie Rivers Network and Sierra Club, Illinois Chapter.

15. The term "water pollution" means such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

**SPRINGFIELD COAL'S INTERROGATORIES**

Pursuant to Illinois Pollution Control Board Rule 35 Ill. Admin. Code 101.620(b), each Interrogatory should be answered separately and fully and by Intervenors in writing under oath, unless there is an objection, in which event, the reasons for objection should be stated in lieu of answer. The answers will be signed by the person making them, and the objections by the attorney making them.

14. Describe all information you are aware of relating to whether or not Springfield Coal caused or tended to cause water pollution in Illinois as alleged in the Intervenors' Complaint.

**RESPONSE:**

15. Provide all information you are aware of relating to whether or not Springfield Coal created or likely created a nuisance or rendered the waters of the State harmful or detrimental or injurious to agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life as alleged in the Intervenors' Complaint.

**RESPONSE:**

16. Identify each violation of a water quality standard for Grindstone Creek or its tributaries since September 1, 2007, and describe any information and data you are aware of related

to any violations of a water quality standard for Grindstone Creek or its tributaries since September 1, 2007.

**RESPONSE:**

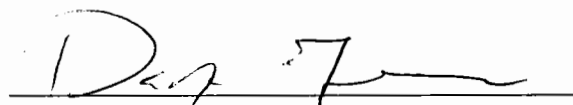
17. Describe any information you are aware of relating to whether or not Springfield Coal caused or contributed to a violation of the water quality standard applicable pursuant to Section 302.208(h) of the Board's Water Quality Standards, as alleged in the Intervenors' Complaint.

**RESPONSE:**

Dated: Sept. 19, 2013

Respectfully submitted,

BRYAN CAVE LLP



Dale A. Guariglia, Missouri Bar #32988  
John R. Kindschuh, Illinois Bar #6284933  
One Metropolitan Square  
211 North Broadway Suite 3600  
St. Louis, MO 63102  
Telephone: (314) 259-2000

*Attorneys for Respondent,  
Springfield Coal Company, LLC*

**CERTIFICATE OF SERVICE**

**NOW COMES** Dale A. Guariglia, counsel for Respondent, Springfield Coal Company, LLC, and provides proof of service of the attached SPRINGFIELD COAL COMPANY, LLC'S SECOND SET OF INTERROGATORIES DIRECTED TO INTERVENORS upon Jessica Dexter, Environmental Law & Policy Center, 35 E. Wacker Dr., Ste. 1600, Chicago, IL 60601, by having a true and correct copy affixed with proper postage placed in the U.S. Mail, on September 19, 2013.



Dale A. Guariglia, Missouri Bar #32988  
John R. Kindschuh, Illinois Bar #6284933  
Bryan Cave LLP  
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211 North Broadway Suite 3600  
St. Louis, MO 63102  
Telephone: (314) 259-2000

*Attorneys for Respondent,  
Springfield Coal Company, LLC*

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**IN THE MATTER OF:**

**PEOPLE OF THE STATE OF ILLINOIS,** )

**Complainant,** )

**ENVIRONMENTAL LAW AND POLICY CENTER, on behalf of PRAIRIE RIVERS NETWORK and SIERRA CLUB, ILLINOIS CHAPTER,** )

**Intervenor,** )

**v.** )

**FREEMAN UNITED COAL MINING CO., L.L.C., and SPRINGFIELD COAL COMPANY, LLC,** )

**Respondents.** )

**PCB 2010-061 and 2011-002  
(Consolidated – Water – Enforcement)**

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**SPRINGFIELD COAL COMPANY, LLC'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS TO THE STATE OF ILLINOIS**

Respondent Springfield Coal Company, LLC ("Springfield Coal"), through its undersigned counsel, and pursuant to Illinois Supreme Court Rule 214 and Illinois Pollution Control Board Rule 35 Ill. Admin. Code 101.616, propound the following Request for Production of Documents, nos. 37 - 38, to Complainant, the State of Illinois ("State"), the response to which will be due within 28 days from the date of service below.

**GROUPING OR NUMBERING OF ITEMS PRODUCED**

Pursuant to Illinois Supreme Court Rule 214, it is requested that the documents or other records submitted in response to Springfield Coal's Request for Production of Documents be

organized and labeled according to the individual paragraphs of the request to which they are responsive, and within each group, arranged in chronological order.

**PLACE, TIME AND MANNER OF RESPONSE**

A response to Springfield Coal's Request for Production of Documents is due within 28 days after service of Springfield Coal's Request for Production of Documents, and shall be made at the mailing addresses of the undersigned attorneys for Springfield Coal, or at such other place as the parties may agree.

**INSTRUCTIONS AND DEFINITIONS OF TERMS**

1. If you claim privilege as a ground for not responding completely to a discovery request, or otherwise object to a discovery request, describe the factual and legal basis for your claim of privilege or other objection and provide a privilege log in accordance with Illinois Supreme Court Rule 201(n).

2. If any of the discovery requests cannot be responded to in full by the Complainant, then the Complainant should respond to the extent possible, and specify the reasons for its inability to respond to the remaining of the discovery requests.

3. In responding to the discovery requests, please furnish such information as is known, or is available to the Complainant, regardless of whether this information is obtained directly by, or known to, or obtained by its attorneys or its agents or representatives.

4. The term "2005 CCA" means the compliance commitment agreement entered on June 16, 2005 between IEPA and Freeman United Coal Mining Company ("Freeman United") regarding alleged discharge violations at the Industry Mine contained in a March 11, 2005 notice of violation issued to Freeman United by IEPA.

5. The term "all documents" means every document as defined above known to you and every document which can be located or discovered by reasonable diligent efforts.

6. The term “Act” means the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*

7. The term “Attorney General” means the Attorney General of the State of Illinois, Lisa Madigan, and all employees and representatives of the Attorney General.

8. The term “communication” means every matter or means of disclosure, transfer or exchange, and every disclosure, transfer or exchange of information whether orally or face to face or by telephone, mail, electronic messages, personal delivery, document, or otherwise.

9. The term “Complaint” means the complaint filed by the People of the State of Illinois in the case of *Illinois v. Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC*, PCB No. 10-61 on February 10, 2010.

10. The term “documents” means all writings of any kind, including the originals, and all non-identical copies, whether different from the original by reason of any notation made on such copy or otherwise, including, without limitation, correspondence, memoranda, notes, electronic mail, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, work papers, plats, films, tapes, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intra-office communications, offers, notations of any sort, conversations, ledgers, invoices, billings, drawings, sketches, photographs, applications, financial statements, bank statements, bank debit and credit memoranda, loan ledgers, promissory notes, security agreements, deeds of trust, financing statements, records or any special or expense accounts, any and all other writings, printings or drafts or copies of reproductions thereof, irrespective of form, in your possession, custody or control.

11. The term “DMR(s)” means the discharge monitoring reports submitted by Freeman United and/or Springfield Coal for discharges from the Industry Mine.

12. The term "ELPC" means the Environmental Law and Policy Center and its clients in this matter, Prairie Rivers Network and Sierra Club, Illinois Chapter.

13. The term "IEPA" means the Illinois Environmental Protection Agency and its representatives.

14. The term "include(s)" or "including" means and incorporates therein the phrase "including, but not limited to."

15. The term "Industry Mine" means the mine located in McDonough and Schuyler Counties approximately 5 miles southwest of Industry, Illinois.

16. The term "NPDES Permit" means the National Pollution Discharge Elimination System permit for the Industry Mine, NPDES Permit No. IL0061247.

17. The term "or" means and incorporates therein the term "and/or."

18. The term "person(s)" means any individual, corporation, proprietorship, partnership, association or any other entity.

19. The terms "you," "your," or "Complainant" means the State of Illinois and its representatives, including the IEPA.

20. The term "water pollution" means such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.



**SPRINGFIELD COAL'S DOCUMENT REQUESTS**

37. All documents and communications related to whether or not Springfield Coal caused or tended to cause water pollution in Illinois as alleged in your Complaint.

38. All documents and communications related to whether or not Springfield Coal created or likely created a nuisance or rendered the waters of the State harmful or detrimental or injurious to agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life as alleged in your Complaint.

Dated: Sept. 19, 2013

Respectfully submitted,

BRYAN CAVE LLP

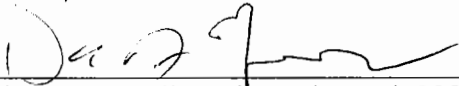


Dale A. Guariglia, Missouri Bar #32988  
John R. Kindschuh, Illinois Bar #6284933  
One Metropolitan Square  
211 North Broadway Suite 3600  
St. Louis, MO 63102  
Telephone: (314) 259-2000

*Attorneys for Respondent,  
Springfield Coal Company, LLC*

**CERTIFICATE OF SERVICE**

**NOW COMES** Dale A. Guariglia, counsel for Respondent, Springfield Coal Company, LLC, and provides proof of service of the attached SPRINGFIELD COAL COMPANY, LLC'S SECOND REQUEST FOR THE PRODUCTION OF DOCUMENTS ON THE STATE OF ILLINOIS upon Thomas Davis, Assistant Attorney General, Environmental Bureau, 500 South Second Street, Springfield, IL 62706, by having a true and correct copy affixed with proper postage placed in the U.S. Mail on Sept 19, 2013.

  
\_\_\_\_\_  
Dale A. Guariglia, Missouri Bar #32988  
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*Attorneys for Respondent,  
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

PEOPLE OF THE STATE OF	)	
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	)	
Complainant,	)	
	)	PCB 2010-061 and 2011-002
ENVIRONMENTAL LAW AND	)	(Consolidated – Water –
POLICY CENTER, on behalf of PRAIRIE	)	Enforcement)
RIVERS NETWORK and SIERRA CLUB,	)	
ILLINOIS CHAPTER,	)	
	)	
Intervenors,	)	
	)	
v.	)	
	)	
FREEMAN UNITED COAL	)	
MINING CO., L.L.C., and	)	
SPRINGFIELD COAL COMPANY, LLC,	)	
	)	
Respondents.	)	

**SPRINGFIELD COAL MINING CO., LLC'S FIRST REQUESTS TO ADMIT TO INTERVENORS**

Respondent Springfield Coal Company, LLC ("Springfield Coal"), through its undersigned counsel, and pursuant to Illinois Supreme Court Rule 216 and Illinois Pollution Control Board Rule 35 Ill. Admin. Code 101.618, propound the following Requests to Admit, nos. 1- 4, to the Prairie Rivers Network and Sierra Club, Illinois Chapter (collectively the "Intervenors"), the response to which will be due within 28 days from the date of service below. Failure to respond to the following requests to admit within 28 days may have severe consequences. Failure to respond to the following requests will result in all the facts requested being deemed admitted as true for this proceeding. If

you have any questions about this procedure, you should contact the hearing officer to this proceeding or an attorney.

**PLACE, TIME AND MANNER OF RESPONSE**

A response to Springfield Coal's Requests to Admit is due within 28 days after service of Springfield Coal's Requests to Admit, and shall be made at the mailing addresses of the undersigned attorneys for Springfield Coal, or at such other place as the parties may agree.

**INSTRUCTIONS AND DEFINITIONS OF TERMS**

1. If you claim privilege as a ground for not responding completely to a request to admit, or otherwise object to a request to admit, describe the factual and legal basis for your claim of privilege or other objection and provide a privilege log in accordance with Illinois Supreme Court Rule 201(n).

2. Pursuant to Illinois Pollution Control Board Rule 35 Ill. Admin. Code 101.618(g), if good faith requires that you deny a part of a matter for which an admission is requested, or if a part requires qualification, you must specify the part which is denied or qualified and admit only the remainder.

3. In responding to the requests to admit, please furnish such information as is known, or is available to the Complainant, regardless of whether this information is obtained directly by, or known to, or obtained by its attorneys or its agents or representatives.

4. The term "Act" means the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*

5. The term "Attorney General" means the Attorney General of the State of Illinois, Lisa Madigan, and all employees and representatives of the Attorney General.

6. The term "Complaint" means the complaint filed by Intervenors in the case of *Illinois v. Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC*, PCB No. 11-02 on February 25, 2010.

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12. The term "person(s)" means any individual, corporation, proprietorship, partnership, association, or any other entity.

13. The terms "you," "your," or "Intervenors" means Prairie Rivers Network and Sierra Club, Illinois Chapter.

#### **SPRINGFIELD COAL'S REQUESTS TO ADMIT**

1. Admit that Grindstone Creek and its tributaries were not identified by the IEPA in its Section 303(d) list of impaired waters in the State of Illinois issued in 2010.

2. Admit that Grindstone Creek and its tributaries were not identified by the IEPA in its Section 303(d) list of impaired waters in the State of Illinois issued in 2012.

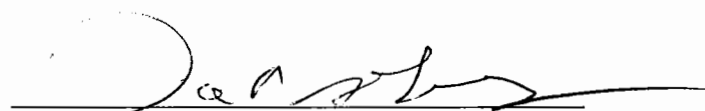
3. Admit that Grindstone Creek and its tributaries are not identified by the IEPA in its draft Section 303(d) list of impaired waters in the State of Illinois for 2014.

4. Admit that Grindstone Creek and its tributaries have not been identified by the IEPA in its Section 303(d) list of impaired waters in the State of Illinois since August 2008.

Dated: Sept. 19, 2013

Respectfully submitted,

BRYAN CAVE LLP

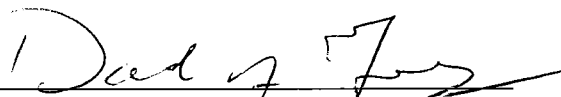


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*Attorneys for Respondent,  
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 Respondents. )

PCB 2010-061 and 2011-002  
(Consolidated – Water –  
Enforcement)

**SPRINGFIELD COAL COMPANY, LLC'S SECOND SET OF INTERROGATORIES  
DIRECTED TO THE PEOPLE OF THE STATE OF ILLINOIS**

Respondent Springfield Coal Company, LLC ("Springfield Coal") through its undersigned counsel, and pursuant to Illinois Supreme Court Rule 213 and Illinois Pollution Control Board Rule 35 Ill. Admin. Code 101.620, propound the following Interrogatories, nos. 20 - 21, to Complainant, the State of Illinois, the response to which will be due within 28 days from the date of service below.

**PLACE, TIME AND MANNER OF RESPONSE**

A response to Springfield Coal's Interrogatories is due within 28 days after service of Springfield Coal's Interrogatories, and shall be made at the mailing addresses of the undersigned attorneys for Springfield Coal, or at such other place as the parties may agree.



**INSTRUCTIONS AND DEFINITIONS OF TERMS**

1. Each interrogatory is to be set forth immediately above your response. If additional space is required for your response the continuation of the response should be provided on a separate page.

2. If you claim privilege as a ground for not responding completely to a discovery request, or otherwise object to a discovery request, describe the factual and legal basis for your claim of privilege or other objection and provide a privilege log in accordance with Illinois Supreme Court Rule 201(n).

3. If any of the discovery requests cannot be responded to in full by the Complainant, then the Complainant should respond to the extent possible, and specify the reasons for its inability to respond to the remaining of the discovery requests.

4. In responding to the discovery requests, please furnish such information as is known, or is available to the Complainant, regardless of whether this information is obtained directly by, or known to, or obtained by its attorneys or its agents or representatives.

5. The term "Act" means the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*

6. The term "Attorney General" means the Attorney General of the State of Illinois, Lisa Madigan, and all employees and representatives of the Attorney General.

7. The term "Complaint" means the complaint filed by the People of the State of Illinois in the case of *Illinois v. Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC*, PCB No. 10-61 on February 10, 2010.

8. The term "IEPA" means the Illinois Environmental Protection Agency and its representatives.

9. The term "include(s)" or "including" means and incorporates therein the phrase "including, but not limited to."

10. The term "Industry Mine" means the mine located in McDonough and Schuyler Counties approximately 5 miles southwest of Industry, Illinois.

11. The term "NPDES Permit" means the National Pollution Discharge Elimination System permit for the Industry Mine, NPDES Permit No. IL0061247.

12. The term "or" means and incorporates therein the term "and/or."

13. The term "person(s)" means any individual, corporation, proprietorship, partnership, association or any other entity.

14. The terms "you," "your," or "Complainant" means the State of Illinois and its representatives, including the IEPA.

15. The term "water pollution" means such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

### **SPRINGFIELD COAL'S INTERROGATORIES**

Pursuant to Illinois Pollution Control Board Rule 35 Ill. Admin. Code 101.620(b), each Interrogatory should be answered separately and fully and by Complainant in writing under oath, unless there is an objection, in which event, the reasons for objection should be stated in lieu of answer. The answers will be signed by the person making them, and the objections by the attorney making them.

20. Describe all information you are aware of relating to whether or not Springfield Coal caused or tended to cause water pollution in Illinois as alleged in your Complaint.

**RESPONSE:**

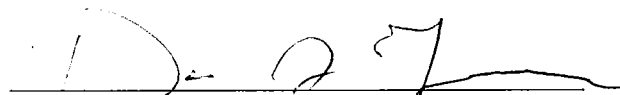
21. Provide all information you are aware of relating to whether or not Springfield Coal created or likely created a nuisance or rendered the waters of the State harmful or detrimental or injurious to agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life as alleged in your Complaint.

**RESPONSE:**

Dated: September 17, 2013

Respectfully submitted,

BRYAN CAVE LLP

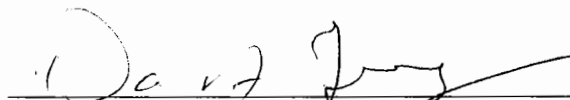


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*Attorneys for Respondent,  
Springfield Coal Company, LLC*

**CERTIFICATE OF SERVICE**

**NOW COMES** Dale A. Guariglia, counsel for Respondent, Springfield Coal Company, LLC, and provides proof of service of the attached **SPRINGFIELD COAL COMPANY, LLC'S SECOND SET OF INTERROGATORIES DIRECTED TO THE PEOPLE OF THE STATE OF ILLINOIS** upon Thomas Davis, Assistant Attorney General, Environmental Bureau, 500 South Second Street, Springfield, IL 62706, by having a true and correct copy affixed with proper postage placed in the U.S. Mail, on Sept. 19, 2013



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