

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**IN THE MATTER OF:**

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

**NOTICE OF DEPOSITION**

To: Thomas H. Shepherd  
Assistant Attorney General  
Illinois Attorney General's Office  
Environmental Bureau  
69 W. Washington Street, Suite 1800  
Chicago, IL 60602


PLEASE TAKE NOTICE that Respondent Freeman United Coal Company, LLC ("Freeman United"), pursuant to Rules 101.616 and 101.622 of the Illinois Pollution Control Board, and Rules 202 and 206(a)(1) of the Illinois Supreme Court Rules, shall take the discovery deposition of the Illinois Environmental Protection Agency ("IEPA"), by its designated representative(s) who is or are most qualified to testify on their behalf with respect to the subject matters identified in Exhibit A, attached hereto.

Freeman United believes that this deposition can be conducted in conjunction with the deposition previously noticed By Springfield Coal Company, LLC on May 10, 2013, and shall take place before a court reporter, Notary Public, or other official authorized to administer oaths,

This document was filed electronically.

at a location to be agreed upon by the parties. The deposition shall be recorded stenographically and by videotape, and it shall commence on a date mutually agreeable to the parties.

Dated: July 10, 2014

By:   
Steven M. Siros

E. Lynn Grayson  
Steven M. Siros  
Allison A. Torrence  
Jenner & Block LLP  
Attorneys for Respondent  
Freeman United Coal Mining Company, LLC,  
a Delaware limited liability company  
353 N. Clark Street  
Chicago, IL 60654-3456  
312-923-8347

**EXHIBIT A TO NOTICE OF DEPOSITION  
OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("IEPA")**

*Subject Matters of Examination*

1. IEPA's data, information, and records pertaining to Freeman United Coal Mining Company, LLC ("Freeman United").
2. Freeman United's permits, including National Pollution Discharge Elimination System ("NPDES") permits, and applications for permits and renewals, for which IEPA has issuing authority.
3. IEPA's actions or omissions related to issuance, modification, and renewal of permits, including NPDES permits, to Freeman United.
4. Sampling data related to the Industry Mine, located in McDonough and Schuyler Counties.
5. Freeman United's mining practices at the Industry Mine.
6. Notices of violations sent to Freeman United from IEPA and all associated communications between IEPA and Freeman United related to an notices of violations.
7. Compliance commitment agreements proposed by Freeman United and all associated communications between IEPA and Freeman United related to any compliance commitment agreement proposal or final agreement.
8. The allegations contained in the February 10, 2010 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 ("PCB No. 10-61").
9. Enforcement actions brought against Freeman United or related companies either by IEPA or the Attorney General of the State of Illinois ("Attorney General").
10. The calculation of civil penalties that IEPA and/or the Attorney General have demanded against Freeman United in this case, PCB No. 10-61.
11. The General Use water quality standard for sulfate and changes made to the General use water quality standard for sulfate in approximately 2007.
12. IEPA's determination and listing of impaired waters under Section 303(d) of the federal Clean Water Act, including reports submitted to and approved by the United States Environmental Protection Agency dated November 2004, June 2006, June 2008, December 2011, December 2012 and March 2014.

**CERTIFICATE OF SERVICE**

**NOW COMES** Allison A. Torrence, counsel for Respondent, Freeman United Coal Mining Company, LLC, a Delaware limited liability company, and provides proof of service of the attached NOTICE OF DEPOSITION upon the parties listed on the attached Service List, by having a true and correct copy affixed with proper postage placed in the U.S. Mail at Jenner & Block LLP, 353 North Clark Street, Chicago, IL 60654-3456, on July 10, 2014.



Allison A. Torrence

E. Lynn Grayson  
Steven M. Siros  
Allison A. Torrence  
Jenner & Block LLP  
Attorneys for Respondent  
Freeman United Coal Mining Company, LLC,  
a Delaware limited liability company  
353 N. Clark Street  
Chicago, IL 60654-3456  
312-923-8347

Dated: July 10, 2014



**SERVICE LIST**

Thomas H. Shepherd  
Assistant Attorney General  
Illinois Attorney General's Office  
Environmental Bureau  
69 W. Washington Street, Suite 1800  
Chicago, IL 60602

Dale A. Guariglia  
Erin L. Brooks  
Bryan Cave LLP  
One Metropolitan Square  
211 North Broadway, Suite 3600  
St. Louis, MO 63102-2750

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Springfield, IL 62794

John Therriault, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Suite 11-500  
Chicago, IL 60601

Jessica Dexter  
Environmental Law & Policy Center  
35 E. Wacker Dr., Ste. 1600  
Chicago, IL 60601