

**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 )

Intervenor, )

PCB 10-61 & 11-02  
(Water – Enforcement)

v. )

FREEMAN UNITED COAL MINING COMPANY, )

LLC, a Delaware limited liability company, and )

SPRINGFIELD COAL COMPANY, LLC, a Delaware )

limited liability company, )

Respondents. )

ENVIRONMENTAL LAW AND POLICY CENTER, )

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SIERRA CLUB, ILLINOIS CHAPTER, )

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v. )

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SPRINGFIELD COAL CO., LLC, )

Respondents. )

**NOTICE OF ELECTRONIC FILING**

TO: See Attached Service List

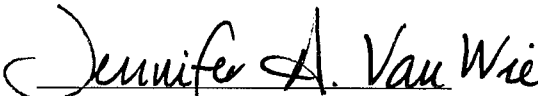
PLEASE TAKE NOTICE that on the 9<sup>th</sup> day of December 2014, I filed with the Office of the Clerk of the Illinois Pollution Control Board the Appearance of Jennifer A. Van Wie and People's Response to Springfield Coal Company, LLC's November 5, 2014 Notice of Deposition, copies of which are attached and hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN,  
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

By: 

JENNIFER A. VAN WIE  
STEPHEN J. SYLVESTER  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., Suite 1800  
Chicago, Illinois 60602  
(312) 814-0609  
(312) 814-2087  
jvanwie@atg.state.il.us  
ssylvester@atg.state.il.us

DATE: December 9, 2014

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**SERVICE LIST**

**PCB 10-61 & 11-02**

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
(By electronic mail at [carol.webb@illinois.gov](mailto:carol.webb@illinois.gov))

Allison A. Torrence  
E. Lynn Grayson  
Steven M. Siros  
JENNER & BLOCK, LLP  
353 N. Clark Street  
Chicago, Illinois 60654  
(By First Class U.S. Mail and electronic mail at [ATorrence@jenner.com](mailto:ATorrence@jenner.com), [SSiros@jenner.com](mailto:SSiros@jenner.com),  
and [ABandza@jenner.com](mailto:ABandza@jenner.com))

ENVIRONMENTAL LAW AND POLICY CENTER  
Jessica Dexter  
35 E. Wacker Drive, Suite 1600  
Chicago, Illinois 60601  
(By First Class U.S. Mail and electronic mail at [JDexter@elpc.org](mailto:JDexter@elpc.org))

Dale A. Guariglia  
John R. Kindschuh  
Erin L. Brooks  
BRYAN CAVE, LLP  
One Metropolitan Square  
211 North Broadway, Suite 3600  
St. Louis, Missouri 63102-2750  
(By First Class U.S. Mail and electronic mail at [daguariglia@BryanCave.com](mailto:daguariglia@BryanCave.com),  
[erin.brooks@bryancave.com](mailto:erin.brooks@bryancave.com), and [brian.sher@bryancave.com](mailto:brian.sher@bryancave.com))

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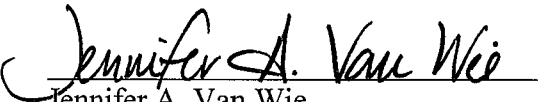
Respondents. )

**APPEARANCE**

I hereby enter my appearance in this matter as additional counsel for Complainant, the Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Jennifer A. Van Wie  
Assistant Attorney General  
Environmental Bureau  
69 West Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-0609  
jvanwie@atg.state.il.us

Date: December 9, 2014

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SPRINGFIELD COAL CO., LLC, )

Respondents. )

**PEOPLE’S RESPONSE TO SPRINGFIELD COAL COMPANY, LLC’s  
NOVEMBER 5, 2014 NOTICE OF DEPOSITION**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney  
General of the State of Illinois, pursuant to 35 Ill. Adm. Code 101.616 and Illinois Supreme  
Court Rule 206(a)(1), responds to the Notice of Deposition filed by Respondent Springfield Coal

Co., LLC on November 5, 2014, and to the Subject Matters of Examination identified in Exhibit

A to the notice, as follows:

**1. IEPA's data, information, and records pertaining to Springfield Coal LLC ("Springfield Coal").**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Subject to and without waiving its objection herein, Complainant designates Larry Crislip with the Illinois Environmental Protection Agency ("Illinois EPA").

**2. Springfield Coal's permits, including National Pollution (sic) Discharge Elimination System ("NPDES" permits), and applications for permits and renewals, for which IEPA has issuing authority.**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Subject to and without waving its objection herein, Complainant designates Larry Crislip with the Illinois EPA to testify in regard to Springfield Coal's NPDES permits, which are the subject of this action, and the applications for such permits and renewals.

**3. IEPA's actions – or omissions – related to issuance, modification, and renewal of permits, including NPDES permits, to Springfield Coal.**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Subject to and without waving its objection herein, Complainant designates Larry Crislip with the Illinois EPA to testify in regard to NPDES permits issued to Springfield Coal, which are the subject to this action.

**4. Sampling data related to the Industry Mine, located in McDonough and Schuyler Counties.**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Subject to and without waving its objection herein, Complainant designates Larry Crislip with the Illinois EPA.

**5. Springfield Coal's mining practices at the Industry Mine.**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Subject to and without waving its objection herein, Complainant designates Larry Crislip with the Illinois EPA to testify in regard to Springfield Coal's mining practices within the knowledge of Complainant.

6. **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”).**

**Response:** Larry Crislip with the Illinois EPA is designated.

7. **Enforcement actions brought against Springfield Coal or related companies either by IEPA or the Attorney General of the State of Illinois (“Attorney General”).**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Complainant further objects to the extent this subject relates to any enforcement action other than PCB No. 10-61 and, therefore, is not reasonably calculated to lead to the disclosure of relevant and admissible evidence. Subject to and without waving its objection herein, Complainant designates Larry Crislip with the Illinois EPA to testify in regard to enforcement action PCB No. 10-61.

8. **The calculation of civil penalties that IEPA and/or the Attorney General have demanded against Springfield Coal in any enforcement action, including PCB No. 10-61.**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Complainant objects to this subject as it seeks disclosure of information protected under Illinois Supreme Court Rule 201(b)(2). Complainant further objects to this subject to the extent it seeks disclosure of confidential settlement communications. Complainant also objects to the extent this this subject relates to any enforcement action other than PCB No. 10-61. Therefore, this subject is not reasonably calculated to lead to the disclosure of relevant and admissible evidence.

9. **Notices of violations sent to Springfield Coal from IEPA and all associated communications between IEPA and Springfield Coal related to an (sic) notices of violation.**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Complainant further objects to the extent this subject relates to any violation notice (“VN”) issued by the Illinois EPA other than the notices pertaining to the violations alleged in PCB No. 10-61 and, therefore, is not reasonably calculated to lead to the disclosure of relevant and admissible evidence. Subject to and without waving its objections herein, Complainant designates Larry Crislip with the Illinois EPA to testify in regard to VNs issued by the Illinois EPA relating to the violations asserted in enforcement action PCB No. 10-61, and all associated communication between the Illinois EPA and Springfield Coal regarding said VNs.



**10. Compliance commitment agreements proposed by Freeman United and all associated communications between IEPA and Freeman United and/or Springfield Coal related to any compliance commitment agreement proposal or final agreement.**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Complainant further objects to the extent this subject relates to any compliance commitment agreement ("CCA") or CCA proposal other than CCAs or proposals pertaining to the violations alleged in PCB No. 10-61 and, therefore, is not reasonably calculated to lead to the disclosure of relevant and admissible evidence. Subject to and without waving its objections herein, Complainant designates Larry Crislip with the Illinois EPA to testify in regard to CCAs and CCA proposals pertaining to the violations alleged in PCB No. 10-61, and associated communications between the Illinois EPA, Freeman United, and Springfield Coal related to said CCA proposals or final agreement.

**11. The General Use water quality standard for sulfate and changes made to the General use water quality standard for sulfate in approximately 2007.**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Subject to and without waving its objection herein, Complainant designates Bob Mosher with the Illinois EPA.

**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.**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Complainant further objects to the extent this subject relates to waters other than Grindstone Creek. Subject to and without waving its objections herein, Complainant designates Gregg Good with the Illinois EPA.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN,  
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

By:   
JENNIFER A. VAN WIE  
STEPHEN J. SYLVESTER  
Assistant Attorneys General  
Environmental Bureau  
69 W. Washington St., Suite 1800  
Chicago, Illinois 60602  
(312) 814-0609  
(312) 814-2087  
jvanwie@atg.state.il.us  
ssylvester@atg.state.il.us

DATE: December 9, 2014

**CERTIFICATE OF SERVICE**

I, JENNIFER A. VAN WIE, an Assistant Attorney General, do certify that I electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the foregoing Notice of Electronic Filing, Appearance of Jennifer A. Van Wie, and People's Response to Springfield Coal Co., LLC's November 5, 2014 Notice of Deposition in this matter to be served upon the persons listed in the Service List in the manner specified by the Service List.

  
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JENNIFER A. VAN WIE

Date: December 9, 2014