

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO. 99-134
)	(Enforcement - Water)
HERITAGE COAL COMPANY, L.L.C.)	
(f/k/a PEABODY COAL COMPANY)	
L.L.C.),)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

To: See Attached Service List

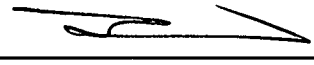
PLEASE TAKE NOTICE that on May 24, 2010, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, a REQUEST FOR ADMISSION OF GENUINENESS OF DOCUMENT AND INTERROGATORIES RE DOCUMENT, copies of which are attached hereto and herewith served upon you.

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: 
THOMAS DAVIS, Chief
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: May 24, 2010

CERTIFICATE OF SERVICE

I hereby certify that I did on May 24, 2010, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING and REQUEST FOR ADMISSION OF GENUINENESS OF DOCUMENT AND INTERROGATORIES RE DOCUMENT upon the persons listed on the Service List.



THOMAS DAVIS, Chief
Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

Stephen F. Hedinger
Sorling, Northrup, Hannah, Cullen & Cochran
800 Illinois Building
Springfield, IL 62705

W. C. Blanton
Husch Blackwell Sanders LLP
4801 Main Street, Ste. 1000
Kansas City, MO 64112

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
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Complainant,)	
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v.)	PCB NO. 99-134
)	(Enforcement)
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HERITAGE COAL COMPANY, LLC, f/k/a)	
PEABODY COAL COMPANY, LLC,)	
)	
Respondent.)	

**REQUEST FOR ADMISSION OF GENUINENESS OF DOCUMENT
AND INTERROGATORIES RE DOCUMENT**

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, and in accordance with Sections 101.618(e) and 101.620 of the Board's Procedural Rules and Illinois Supreme Court Rules 213 and 216(b) respectfully seeks discovery regarding the attached document entitled "Company Memorandum" dated August 12, 1983, previously produced by the Respondent.

Request to Admit Genuineness of Document

Please admit the genuineness of the attached document entitled "Company Memorandum" dated August 12, 1983, from K. D. Gastreich to J. B. Coyne and D. G. McDonald, regarding "Potential Ground Water Effects of Long Term Coal Refuse Disposal at Eagle #2," previously produced by the Respondent.

Interrogatories re Document

1. State the full name, occupation, title and business address of the person or persons providing information in response to these interrogatories, including all individuals responding

on behalf of any person who is not an individual, and indicate which person or person answered each interrogatory.

2. Please identify the company referenced in the attached document entitled "Company Memorandum" dated August 12, 1983, and identify the business relationship between the company referenced in the attached document and the Respondent.

3. Please identify K. D. Gastreich, J. B. Coyne, and D. G. McDonald by stating the full name and current residence address of each such person and by describing the position of each such person in the company referenced in the attached document as of August 12, 1983 and any professional license possessed by each such person as of August 12, 1983.

4. Please identify any reply or response by or on behalf of J. B. Coyne and D. G. McDonald to K. D. Gastreich regarding the attached document and identify the intended recipients of such reply or response.

5. Please indicate whether the facility referred to as "Eagle #2" in the attached document is the facility located in Gallatin County, Illinois and the subject of this enforcement action.

6. Please identify and describe Lee Wohlwend's July 23, 1983 memo as referenced in the attached document, including the intended recipients of the July 23, 1983 memo and any action or work proposed or evaluated by Lee Wohlwend in the July 23, 1983 memo.

7. Please identify Lee Wohlwend by stating his full name and current residence address and by describing his position in the company referenced in the attached document and any professional license possessed by Lee Wohlwend as of July 23, 1983.

8. Please identify any reply or response by or on behalf of K. D. Gastreich to Lee Wohlwend's July 23, 1983 memo and identify the intended recipients of such reply or response.

9. Please identify R. A. Hill by stating his full name and current residence address and by describing his position in the company referenced in the attached document and any professional license possessed by R. A. Hill as of August 12, 1983.

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: 

THOMAS DAVIS
MICHAEL MANKOWSKI
STEPHEN J. JANASIE
Environmental Bureau
Assistant Attorneys General

500 South Second Street
Springfield, Illinois 62706
217/782-9031

Dated: 5/21/10

COMPANY MEMORANDUM

TO: J. B. Coyne
D. G. McDonald

DATE: August 12, 1983

FROM: K. D. Gastreich

RE: Potential Ground Water Effects of Long Term Coal Refuse Disposal at Eagle #2

I have reviewed Lee Wohlwend's July 28, 1983 memo regarding coal refuse disposal at Eagle #2. Based on normal refuse disposal procedures and the information outlined below, I believe there is a very high potential for pollution of a major aquifer used for public water supply.

- The proposed refuse disposal lies immediately above the sand and gravel outwash of the Henry Formation which is a major shallow aquifer in that part of Illinois. Yields of 500 gpm or more are possible.
- The area in question lies in an area designated as having a high ground water contamination potential because of the high hydraulic conductivity of the overlying unconsolidated material, shallow bedrock, and a high water table. (U.S. Geological Survey, 1981).
- Proposed gob areas No.3, No.4 and No.5 lie approximately 2,000, 1,500 and 1,400 feet respectively, updip of the Saline Valley Conservancy District water supply wells.
- The refuse will be disposed of above or at the area ground water table.

All of the above information indicates the potential for serious problems unless some type of impermeable barrier is placed beneath the refuse to be disposed of. In addition, Allen Oertel, Illinois Department of Mines and Minerals Hydrologist, has experience and a special concern for the effects of this type of refuse disposal. Any type of refuse disposal plan submitted to IDM&M would likely have to meet very strict anti pollution criteria particularly in an environmentally critical area such as this.

J. B. Coyne
D. G. McDonald

August 12, 1983

I recommend that the Environmental Services Department work closely with Engineering to develop an acceptable plan for future refuse disposal at Eagle #2.

Kent D. Gastreich
K. D. Gastreich

KDG:ls

cc: R. A. Hill
S. L. Wohlwend

PC00897