

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

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**FREEMAN UNITED COAL MINING COMPANY, LLC'S MOTION FOR LEAVE TO  
REPLY TO THE PEOPLE OF THE STATE OF ILLINOIS' RESPONSE TO FREEMAN  
UNITED COMPANY'S MOTION FOR SUMMARY JUDGMENT**

COMES NOW Respondent, Freeman United Coal Mining Company, LLC ("Freeman United"), by and through its attorneys, and pursuant to 35 Ill. Adm. Code 101.500(e) hereby files this Motion for Leave to Reply to the People of the State of Illinois' Response to Freeman United's Motion for Summary Judgment. In support of its Motion, Freeman United states the following:

1. The Board has the authority to permit Freeman United to reply to prevent material prejudice. 35 Ill. Adm. Code 101.500(e).
2. In its response, the State has introduced new issues and facts, including facts raising the issue of the State's knowledge regarding the Industry Mine's NPDES compliance history and the circumstances surrounding the initiation of the present action, and Freeman

United has not had the opportunity to address them. Further, the State has introduced critical factual information that needs to be accurately characterized.

3. Freeman United will seek in its Reply to provide the Board necessary clarification and research regarding these issues and facts, as they relate to issues that are important to the disposition of this action and Freeman United would be materially prejudiced if its motion for leave to reply were denied.

4. A filing deadline of July 13, 2012, would allow Freeman United adequate time to prepare its Reply.

WHEREFORE, Respondent Freeman United respectfully requests that the Board grant its Motion for Leave to Reply to the People of the State of Illinois' Response to Freeman United's Motion for Summary Judgment and set the deadline to file such reply for July 13, 2012.

Respectfully submitted,

FREEMAN UNITED COAL MINING  
COMPANY, LLC

By:   
Steven M. Siros

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Chicago, IL 60654-3456  
312/923-2836

Dated: July 5, 2012

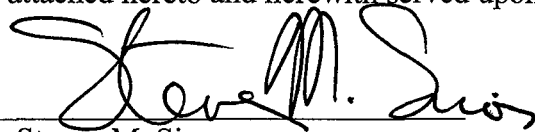
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NOTICE OF ELECTRONIC FILING

To: See Attached Service List

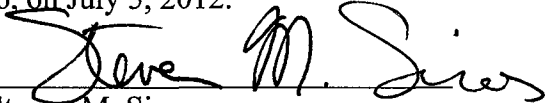
PLEASE TAKE NOTICE that on July 5, 2012, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois Freeman United Coal Mining Company, LLC's Motion for Leave to Reply to the People of the State of Illinois' Response to Freeman United's Motion for Summary Judgment, a copy of which is attached hereto and herewith served upon you.

By:   
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**CERTIFICATE OF SERVICE**

NOW COMES Steven M. Siros, counsel for Respondent, Freeman United Coal Mining Company, LLC, a Delaware limited liability company and provides proof of service of the attached Freeman United Coal Mining Company, LLC's Motion for Leave to Reply to the People of the State of Illinois' Response to Freeman United's Motion for Summary Judgment and Notice of Electronic Filing 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 5, 2012.

  
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Dated: July 5, 2012

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