

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,)
)
 vs.)
)
 FREEMAN UNITED COAL MINING)
 COMPANY, LLC, a Delaware limited)
 liability company, and SPRINGFIELD)
 COAL COMPANY, LLC, a Delaware)
 limited liability company,)
)
 Respondents.)

PCB No. 10-61 & 11-2
(Water - Enforcement)

NOTICE OF ELECTRONIC FILING

To: See Attached Service List


PLEASE TAKE NOTICE that on July 16, 2013, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, PEOPLE'S RESPONSE TO FREEMAN UNITED'S SECOND REQUESTS TO ADMIT, a copy of which is 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

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,)

v.)

PCB No. 2010-061 & 2011-02
(Water-Enforcement)

FREEMAN UNITED COAL MINING)

COMPANY, LLC,)

a Delaware limited liability company, and)

SPRINGFIELD COAL COMPANY, LLC,)

a Delaware limited liability company,)

Respondents.)

PEOPLE'S RESPONSE TO FREEMAN UNITED'S SECOND REQUESTS TO ADMIT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney

General of the State of Illinois, respectfully responds pursuant to Illinois Supreme Court Rule 216 and Section 101.618 of the Board's procedural rules, regarding Freeman United's Second Requests to Admit, and states as follows:

1. **Admitted** that there is no injury to, or interference with the protection of the health, general welfare and physical property of the people as a result of the adjudicated NPDES permit violations at the Industry Mine.

2. **Admitted** that the Industry Mine has some social and economic value because mining is a legitimate activity but the degree of such value depends at any given time upon the extent to which the mine complies with its legal obligations and is actually producing coal.

3. **Admitted** that the present location of the Industry Mine is a suitable location for

the Industry Mine. The Office of Mines and Minerals of the Illinois Department of Natural Resources has issued permits to Freeman United and Springfield Coal, thereby determining the permit areas of the Industry Mine to be suitable for surface mining activities. The permits were approved pursuant to Section 2.08 of the Illinois Surface Coal Mining Land Conservation and Reclamation Act, 225 ILCS 720/2.08, which required findings by the Department that reclamation as required by this Act can be accomplished and that completion of the reclamation plan will in fact comply with every applicable performance standard of this Act, the mining operation has been designed to prevent material damage to hydrologic balance outside the permit area, and the area proposed to be mined is not included within an area designated unsuitable for surface coal mining. The mining operator must comply with the performance standards of Section 3.08 of the Mining Act ("All runoff water from affected areas shall be impounded, drained, or treated so as to reduce soil erosion, damage to unmined lands, and pollution of streams and other waters.") and Section 3.20 of the Mining Act ("All requirements of the Illinois Environmental Protection Act, and of rules and regulations thereunder, shall be complied with fully at all times during mining, reclamation, and after reclamation."), and these mandatory requirements are to be considered by the Department during the site suitability determination and permit issuance.

4. **Denied** that compliance with the NPDES permit was technically impractical.
5. **Denied** that compliance with the NPDES permit was economically unreasonable.
6. **Admitted** that Freeman United was diligent in responding to the alleged violations that were the subject of the 2005 CCA in that Freeman United fully complied with the terms of the 2005 CCA.

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
Environmental Bureau
Assistant Attorney General

Attorney Reg. No. 3124200
500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: 7/16/13

Verification by Certification


Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, 735 ILCS 5/1-109, the undersigned certifies that the answers made herein are true, correct and complete to the best of my knowledge and belief.

By: 

LARRY CRISLIP
Mine Pollution Control Program
Illinois Environmental Protection Agency

CERTIFICATE OF SERVICE

I hereby certify that I did on July 16, 2013, cause to be served by United States 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 PEOPLE'S RESPONSE TO FREEMAN UNITED'S SECOND REQUESTS TO ADMIT upon the Respondents listed on the Service List.



Thomas Davis, Chief
Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

Discovery Documents to Freeman United Coal Mining:

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Steven M. Siros
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353 N. Clark Street
Chicago, IL 60654-3456

Copy of Notice only to:

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