

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

**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.

**FREEMAN UNITED COAL
MINING CO., L.L.C., and
SPRINGFIELD COAL COMPANY, L.L.C.,**

Respondents.

**PCB 2010-061 and 2011-002
(Consolidated – Water –
Enforcement)**

NOTICE OF ELECTRONIC FILING

To: See Attached Service List

PLEASE TAKE NOTICE on November 17, 2014, I electronically filed with the Clerk of the Pollution Control Board, **Freeman United Coal Mining Co., LLC's Fact Witness Disclosures**, copies of which are herewith served upon you.

By: 

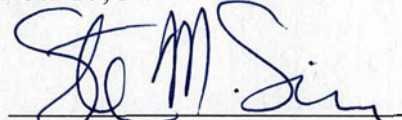
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This document was filed electronically.

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 Notice 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 November 17, 2014.


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Dated: November 17, 2014

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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**

Intervenors,

v.

**FREEMAN UNITED COAL MINING COMPANY,
LLC, a Delaware limited liability company, and
SPRINGFIELD COAL COMPANY, LLC, a
Delaware limited liability company,**

Respondents.

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

**ENVIRONMENTAL LAW AND POLICY CENTER,
on behalf of PRAIRIE RIVERS NETWORK and
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Complainant,

v.

**FREEMAN UNITED COAL MINING CO., and
SPRINGFIELD COAL CO., LLC,**

Respondents

**RESPONDENT FREEMAN UNITED COAL MINING COMPANY, LLC'S
FACT WITNESS DISCLOSURES**

Respondent, Freeman United Coal Mining Company, LLC ("Freeman United"), by and through its undersigned attorneys, respectfully submits its Fact Witness Disclosures as follows:

1. Pursuant to Illinois Supreme Court Rule 213(f)(1), Freeman United intends to call the following fact witnesses on the below-identified subjects:

a. General Dynamics

- i. **Donald Dame**, formerly the Vice President of Human Resources for Freeman United and currently the Vice President of Human/Labor Relations for General Dynamics NASSCO, who will testify on the environmental conditions and practices at the Industry Mine as they relate to the allegations in the complaints of the State of Illinois ("State") and/or the Environmental Law and Policy Center ("ELPC")

b. Springfield Coal

- i. **Greg Arnett**, currently an Environmental Engineer for Springfield Coal, who will testify on the environmental conditions and practices at the Industry Mine as they relate to the allegations in the complaints of the State and/or ELPC.
- ii. **Thomas Austin**, currently the Vice President of Springfield Coal, who will testify on the environmental conditions and practices at the Industry Mine as they relate to the allegations in the complaints of the State and/or ELPC.
- iii. **Mike Caldwell**, currently the Chief Operating Officer of Springfield Coal, who will testify on the environmental conditions and practices at the Industry Mine as they relate to the allegations in the complaints of the State and/or ELPC.

- iv. **Craig Schoonover**, currently an Environmental Engineer for Springfield Coal, who will testify on the environmental conditions and practices at the Industry Mine as they relate to the allegations in the complaints of the State and/or ELPC.
- v. **Corey Schoonover**, currently an Environmental Engineer for Springfield Coal, who will testify on the environmental conditions and practices at the Industry Mine as they relate to the allegations in the complaints of the State and/or ELPC.
- vi. **Steve Phifer**, currently an Environmental Engineer for Springfield Coal, who will testify on the environmental conditions and practices at the Industry Mine as they relate to the allegations in the complaints of the State and/or ELPC.

c. **Illinois Environmental Protection Agency**

- i. **Larry Crislip**, currently an employee with the Illinois Environmental Protection Agency ("IEPA"), who is expected to testify on, among related topics: (i) IEPA's data, information, and records pertaining to Freeman United Coal; (ii) Freeman United's permits, including National Pollutant Discharge Elimination System ("NPDES") permits, and applications for permits and renewals, for which IEPA has issuing authority; (iii) IEPA's actions or omissions related to issuance, modification, and renewal of permits, including NPDES permits, to Freeman United; (iv) sampling data related to the Industry Mine, located in McDonough


and Schuyler Counties; (v) Freeman United's mining practices at the Industry Mine; (vi) Notices of violations sent to Freeman United from IEPA and all associated communications between IEPA and Freeman United related to notices of violations; (vii) 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; (viii) 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"); and (ix) enforcement actions brought against Freeman United or related companies either by IEPA or the Attorney General of the State of Illinois.

- ii. **Gregg Good**, currently an employee with IEPA, who is expected to testify on, among related topics, 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.
- iii. **Bob Mosher**, currently an employee with IEPA, who is expected to testify on, among related topics, the General Use water quality

standard for sulfate and changes to the General Use water quality
standard for sulfate in approximately 2007.

2. Because discovery is ongoing, Freeman United reserves the right to supplement these fact witness disclosures at a later date, consistent with the Hearing Officer's October 16, 2014, Order.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steven M. Siros", written over a horizontal line.

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