

ILLINOIS POLLUTION CONTROL BOARD  
July 6, 2017

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 10-61  
) (Enforcement - Water)  
FREEMAN UNITED COAL MINING )  
CO., LLC., and SPRINGFIELD )  
COAL CO., LLC., )  
)  
Respondents. )  

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ENVIRONMENTAL LAW AND )  
POLICY CENTER, on behalf of PRAIRIE )  
RIVERS NETWORK and SIERRA CLUB, )  
ILLINOIS CHAPTER, )  
)  
Complainant, )  
)  
v. ) PCB 11-2  
) (Enforcement - Water)  
FREEMAN UNITED COAL MINING ) (Consolidated)  
CO., LLC., and SPRINGFIELD )  
COAL CO., LLC., )  
)  
Respondents. )

ORDER OF THE BOARD<sup>1</sup> (by K. Papadimitriu):

On February 10, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against the Freeman United Coal Mining Company, LLC. (Freeman United) and Springfield Coal Company, LLC. (Springfield Coal)

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<sup>1</sup> Chad Kruse, who worked for the Illinois Environmental Protection Agency prior to joining the Board as an attorney assistant on March 19, 2013, took no part in the Board's drafting or deliberation of any order or issue in this matter.

(collectively, respondents) in PCB 10-61. On April 15, 2010, the Board granted Environmental Law and Policy Center's motion to intervene in that docket on behalf of Prairie Rivers Network and Sierra Club, Illinois Chapter (collectively, Environmental Groups). On July 15, 2010, the Board accepted for hearing the Environmental Groups' four-count complaint against respondents in PCB 11-2 and consolidated these dockets. Both complaints concern a strip mine located in McDonough and Schuyler Counties, approximately five miles southwest of Industry, Illinois (Industry Mine). Freeman United owned and operated Industry Mine until September 1, 2007. Since then, Springfield Coal owned and operated it.

On November 15, 2012, the Board granted the People's motion for summary judgment on counts I and II of their complaint and the Environmental Groups' motion for summary judgment on count II of their complaint. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation and proposed settlement (Settlement), the Environmental Groups' and Springfield Coal's addendum to the stipulation and proposed settlement (Addendum), and the request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2016)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31(c)(1) (2016); 35 Ill. Adm. Code 103. Additionally, any person may bring an action before the Board to enforce Illinois' environmental requirements. *See* 415 ILCS 5/3.315, 31(d)(1) (2016); 35 Ill. Adm. Code 103. In this case, both complaints allege violations of Sections 12(a) and (f) of the Act (415 ILCS 5/12(a), (f) (2016)) and provisions of the National Pollutant Discharge Elimination System (NPDES) permit for Industry Mine.

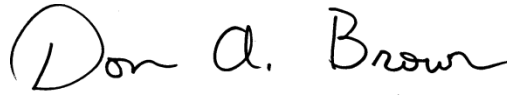
On June 28, 2017, the Board received the Settlement and the Addendum, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2016)). This filing is authorized by Sections 31(c)(2) and (d)(2) of the Act (415 ILCS 5/31(c)(2), (d)(2) (2016)). *See* 35 Ill. Adm. Code 103.300(a), 103.301. Under the Settlement, respondents do not admit to any of the alleged violations and agree to jointly and severally pay a civil penalty of \$250,000. Respondents also agree to cease and desist from future violations that were the subject matter of the complaints and to perform a supplemental environmental project valued at \$350,000. The Settlement also addresses an alleged 140 effluent exceedances by Springfield Coal, in violation of Section 12(f) of the Act. Under the Addendum, Springfield Coal and any future successors or assigns to its real estate must refrain from mining raw coal for varying periods of time at Industry Mine, North Grindstone Mine, Orient III Mine, Orient IV Mine, Orient VI Mine, Crown II Mine, Crown III Mine, Buckheart Mine, Littleton Mine, and North Canton Mine.

Unless the Board determines that a hearing is needed, in an enforcement action brought by the People the Board must cause notice of any stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written comment or demand for hearing within 30 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

Members B. Carter and C. M. Santos abstained.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 6, 2017 by a vote of 3-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, circular initial "D".

Don A. Brown, Clerk  
Illinois Pollution Control Board