

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )

Complainant, )

ENVIORNMENTAL LAW AND POLICY CENTER, )  
on behalf of PRAIRIE RIVERS NETWORK and )  
SIERRA CLUB, ILLINOIS CHAPTER )

Intervenor, )

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)

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ENVIRONMENTAL LAW AND POLICY CENTER, )  
on behalf of PRAIRIE RIVERS NETWORK and )  
SIERRA CLUB, ILLINOIS CHAPTER, )

Complainant, )

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

Respondents )

NOTICE OF ELECTRONIC FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on the 30<sup>th</sup> day of May, 2014, I filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **People's Response to Notice of Deposition**, a copy of which are hereby served upon you.

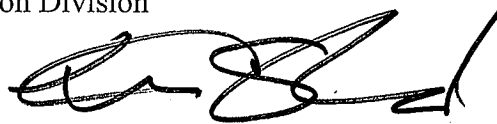
Respectfully submitted,

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 H. SHEPHERD  
Assistant Attorneys General  
Environmental Bureau  
69 W. Washington St., Suite 1800  
Chicago, Illinois 60602  
(312) 814-5361  
tshepherd@atg.state.il.us

DATE: May 30, 2014

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**SERVICE LIST**

**PCB 10-61 & 11-02**

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

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211 North Broadway, Suite 3600  
St. Louis, MO 63102-2750

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**PEOPLE’S RESPONSE TO NOTICE OF DEPOSITION**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, pursuant to 35 Ill. Adm. Code 101.100(b) and 101.616, and Illinois Supreme Court Rule 206(a)(1), responds to the Notice of Deposition served by Respondent Springfield Coal Co., LLC, and to the Subject Matters of Examination identified in Exhibit A to the notice, as follows:

**1. IEPA's data, information, and records pertaining to Springfield Coal LLC ("Springfield Coal").**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Subject to and without waiving its objection herein, Complainant designates Larry Crislip with the Illinois Environmental Protection Agency ("Illinois EPA").

**2. Springfield Coal's permits, including National Pollution Discharge Elimination System ("NPDES" permits), and applications for permits and renewals, for which IEPA has issuing authority.**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Subject to and without waving its objection herein, Complainant designates Larry Crislip with the Illinois EPA to testify in regard to Springfield Coal's NPDES permits, which are the subject of this action, and the applications for such permits and renewals.

**3. IEPA's actions – or omissions – related to issuance, modification, and renewal of permits, including NPDES permits, to Springfield Coal.**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Subject to and without waving its objection herein, Complainant designates Larry Crislip with the Illinois EPA to testify in regard to NPDES permits issued to Springfield Coal, which are the subject to this action.

**4. Sampling data related to the Industry Mine, located in McDonough and Schuyler Counties.**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Subject to and without waving its objection herein, Complainant designates Larry Crislip with the Illinois EPA.

**5. Springfield Coal's mining practices.**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Subject to and without waving its objection herein, Complainant designates Larry Crislip with the Illinois EPA to testify in regard to Springfield Coal's mining practices within the knowledge of Complainant.

6. **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").**

**Response:** Larry Crislip with the Illinois EPA is designated.

7. **Enforcement actions brought against Springfield Coal or related companies either by IEPA or the Attorney General of the State of Illinois ("Attorney General").**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Complainant further objects to the extent this subject relates to any enforcement action other than PCB No. 10-61 and, therefore, is not reasonably calculated to lead to the disclosure of relevant and admissible evidence. Subject to and without waving its objection herein, Complainant designates Larry Crislip with the Illinois EPA to testify in regard to enforcement action PCB No. 10-61.

8. **The calculation of civil penalties that IEPA and/or the Attorney General have demanded against Springfield Coal in any enforcement action, including PCB No. 10-61.**

**Response:** Complainant objects to this subject because it is not described with reasonable particularity and therefore is vague and ambiguous. Complainant objects to this subject as it seeks disclosure of information protected under Illinois Supreme Court Rule 201(b)(2). Complainant further objects to this subject to the extent it seeks disclosure of confidential settlement communications. Complainant also objects to the extent this this subject relates to any enforcement action other than PCB No. 10-61. Therefore, this subject is not reasonably calculated to lead to the disclosure of relevant and admissible evidence.

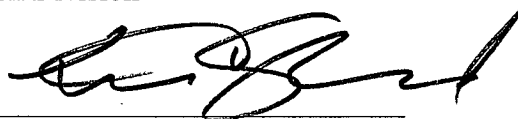
Respectfully submitted,

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(312) 814-5361  
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DATE: May 30, 2014

**CERTIFICATE OF SERVICE**

I, THOMAS H. SHEPHERD, do certify that I filed electronically with the Office of the Clerk of the Illinois Pollution Control Board a Notice of Electronic Filing and People's Response to Notice of Deposition and caused them to be served this 30<sup>th</sup> day of May, 2014, and caused them to be served upon the persons listed in the attached Service List by depositing true and correct copies of same in an envelope, certified mail postage prepaid, with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601, at or before the hour of 5:00 p.m.

A handwritten signature in black ink, appearing to read 'T. H. Shepherd', written over a horizontal line.

THOMAS H. SHEPHERD