ILLINOIS POLLUTION CONTROL BOARD
August 21, 1980

ZEIGLER COAL COMPANY, Petitioner,	)	
v.	)	PCB 80-142
ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)	

ORDER OF THE BOARD (by D. Satchell):

On August 7, 1980 Zeigler Coal Company (Zeigler) filed a petition for a variance from Rule 203(f) and Rule 408(b) of Chapter 3: Water Pollution, for Zeigler's Spartan Mine. This underground coal mine appears to be subject to the new version of Chapter 4: Mine Related Pollution (Rules) recently adopted by the Board (Orders of May 15, 1980 and July 24, 1980). Chapter 4 became effective August 7, 1980. Chapter 3 is inapplicable to mine discharges except as provided in Chapter 4 (Rule 600). Rule 408(b) of Chapter 3 is inapplicable [Rule 606(a)]. Rule 203(f) of Chapter 3 may be incorporated by Rule 605. However, Rule 605.1 provides for a temporary exemption by permit condition. The petition contains no showing that Zeigler cannot obtain the requested relief by way of permit application. The petition will be subject to dismissal unless an amended petition addressing the noted deficiencies is filed within forty-five days of the date of this Order. The decision period will commence with the filing of such an amendment.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 21st day of August, 1980 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board