

ILLINOIS POLLUTION CONTROL BOARD
October 24, 1974

PEABODY COAL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 73-58
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

Daniel M. Hall, Attorney for Peabody Coal Company
Larry R. Eaton, Assistant Attorney General for the EPA

ORDER OF THE BOARD (by Mr. Henss)

The parties have stipulated that this matter may be dismissed and closed without prejudice. This case, a continuation of PCB 72-328, was originally a variance petition but Peabody Coal in June 1973, requested that its variance petitions be dismissed without prejudice and the case proceed as an appeal from an EPA denial of a mine drainage permit at the Will Scarlet Mine. The appeal apparently does not serve a useful purpose at this time for Peabody, since Peabody has filed a new application for operating permit at its Will Scarlet Mine. Peabody states that all of its rights are fully protected in the separate and later proceeding.

The stipulation for the dismissal of this case is hereby accepted.

IT IS ORDERED that the above entitled appeal be dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted this 24th day of October, 1974 by a vote of 5 to 0.


