

ILLINOIS POLLUTION CONTROL BOARD

April 1, 1982

AMAX COAL COMPANY)
(LEAHY MINE),)
)
Petitioner ,)
)
v.) PCB 82-5
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by D. Anderson):


On March 29, 1982 Amax Coal Company (Amax) and the Illinois Environmental Protection Agency (Agency) filed a joint motion to dismiss this appeal of NPDES Permit No. IL0060321. The Agency has agreed to modify and reissue the permit in a manner satisfactory to Amax.

Issue IIA concerns the provisions of Section 406.102(e) and Section 406.102(f), which allow a permit applicant to choose between composite or grab sample monitoring. Section 406.101(b) contains a special averaging rule if grab sample monitoring is elected. These provisions were intended to be alternatives between which the applicant could choose in the permit application. Section 406.102(e) states that, if the applicant elects grab samples, "the Agency shall by permit condition require monitoring and reporting on the basis of grab samples."

The agreement in the case seems to place the option in the permit rather than the application. This is not what the Board intended and could be subject to abuse. However, having noted this for future reference, the Board will grant the motion to dismiss.

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 1st day of April, 1982 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board