

ILLINOIS POLLUTION CONTROL BOARD
February 19, 1981

AMAX COAL COMPANY, a division)
of AMAX, INC.,)
)
Petitioner,)
)
v.) PCB 80-63, -64
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

ORDER OF THE BOARD (by D. Satchell):

On January 26, 1981 the Illinois Environmental Protection Agency (Agency) filed a motion for reconsideration of the Board's Opinion in this matter adopted December 19, 1980. Although the motion requests reconsideration of the Board's Order of December 4, 1980, it does not ask that the Board modify that Order providing for a remand. The Agency contends that in the Opinion the Board has abandoned its previous position that a water does not lose its protected character as a water of the State by virtue of use as a treatment works. The motion asks that the Opinion be restricted to an interpretation of Chapter 4 with references to Chapter 3 deleted.

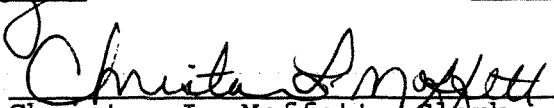
In the Opinion the Board noted that Rule 608 of the new Chapter 4 requires the construction of sedimentation ponds. In adopting this requirement the Board understood these to include ponds built in waters of the State. Since there is a specific requirement in Chapter 4, these sedimentation ponds are authorized treatment works under Rule 104 and do not have to meet the water quality standards. The holding was restricted to an interpretation of Chapter 4. The Chapter 3 discussion was incidental and did not alter the Board's existing interpretation, and is the same as that offered by the Agency in its motion.

The request to modify the Opinion is denied.

IT IS SO ORDERED.

Mr. Goodman dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 19th day of February, 1981 by a vote of 4-1.


Christan L. Moffett, Clerk
Illinois Pollution Control Board