

ILLINOIS POLLUTION CONTROL BOARD  
January 14, 1976

ENVIRONMENTAL PROTECTION AGENCY,            )  
    Complainant,                                )  
  )  
    v.    )     PCB 75-130  
  )  
PRYOR MOUNTAIN CONSTRUCTION CO., INC.,    )  
    Respondent.                                )

Mr. Howard V. Thomas, Assistant Attorney General, for the Complainant.  
Mr. James W. Morris, Barrett and Morris, for the Respondent.

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

This case arises out of a Complaint, filed on March 25, 1975, by the Environmental Protection Agency (Agency) alleging that Respondent, Pryor Mountain Construction Company (Pryor Mountain), an Arkansas corporation licensed to do business in Illinois, had re-opened a mining area without the requisite permit. More specifically, it is alleged that Pryor Mountain engaged in pumping drainages, highwall drilling and blasting, road construction, and/or removing overburden, on property previously mined by others in Randolph County, near Eden, Illinois, in violation of Rule 201 of the Mine Related Pollution Regulations (Chapter 4) and Section 12(a) of the Environmental Protection Act.

A hearing was held on May 29, 1975, at which time the Hearing Officer granted leave to later file a Stipulation and Agreement under the terms of Procedural Rule 333. The Stipulation was filed with the Board on October 28, 1975. A report of March 26, 1975, proceedings in the Circuit Court of the Twentieth Judicial Circuit, Randolph County, Illinois, was admitted into the record at the hearing. The Court enjoined Pryor Mountain from conducting further mining activity at the above named location until the necessary Agency permit had been obtained. No additional evidence was adduced at the hearing; no members of the public were present.

The parties stipulated that Pryor Mountain had been advised of the permit requirements by the Agency; that Pryor Mountain conducted mining operations on March 19 and March 21, 1975, although warned that its operations were a violation of the Act and the Chapter 4 Regulations; that Pryor Mountain admitted a violation of Rule 201 of Chapter 4 and Section 12(a) of the Act; that Pryor Mountain obtained the necessary permit after the date of the filing of the Complaint before the date of the hearing; and, that the parties agreed to a \$2000.00 penalty.

The necessity for a closely controlled permit system is nowhere more important than in the environmental control of mining activity; no other activity has the great potential for significant and irreversible environmental damage in a relatively short period of time. Because of the nature of this violation, the statement of fact in the Stipulation, although necessarily limited, is adequate.

On the basis of the foregoing and the Stipulation and Agreement, we find Pryor Mountain violated the Act and Regulations as alleged by reopening a mining area without first obtaining a permit from the Agency in violation of Rule 201 of the Mine Related Pollution Regulations and Section 12(a) of the Environmental Protection Act. The stipulated penalty of \$2000.00 is assessed for these violations.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Pollution Control Board that Respondent, Pryor Mountain Construction Company, Incorporated, is found to have violated Section 12(a) of the Environmental Protection Act and Rule 201 of the Mine Related Pollution Regulations (Chapter 4). Respondent shall pay the stipulated penalty of \$2000.00 for said violations, payment to be made by certified check or money order within 35 days of this Order to:

Fiscal Services Division  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois, 62706.

IT IS SO ORDERED.

Mr. Young abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 14<sup>th</sup> day of January, 1975 by a vote of 3-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board