ILLINOIS POLLUTION CONTROL BOARD
December 18, 1980

AMAX COAL COMPANY, Division of AMAX, Inc. (Sunspot Mine), Petitioner,	)	
v.	)	PCB 79-92
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)	

ORDER OF THE BOARD (by D. Satchell):

On December 3, 1980 Amax Coal Company (Amax) filed a stipulation and withdrawal of request for hearing in this appeal of conditions of NPDES permit No. IL0060364 for the Sunspot Mine in Fulton County. In addition to a definite settlement of certain issues, the stipulation contemplates a further permit application involving a description of "good operating practices" to be utilized by Amax (Rule 605.1 of Chapter 4: Mine Related Pollution). This will be considered by the Illinois Environmental Protection Agency (Agency) along with the remand. Amax asks that the withdrawal be without prejudice to its right to contest subsequent determinations made in issuance of the revised permit. The Board construes the withdrawal of request for hearing as a motion to dismiss. As such it is granted. The permit is remanded to the Agency for further action consistent with the stipulation.

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 18th day of December, 1980 by a vote of 4-0.

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