

ILLINOIS POLLUTION CONTROL BOARD
December 16, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 75-407
)
PEABODY COAL COMPANY, a Delaware)
Corporation,)
)
 Respondent.)

Mr. Marvin I. Medintz, Assistant Attorney General, appeared on behalf of the Complainant.
Mr. Michael D. Freeborn appeared on behalf of the Respondent.

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Board upon a complaint filed October 17, 1975 by the Environmental Protection Agency (Agency). The complaint alleges that Respondent, at all times pertinent hereto, has owned and has been operator of a mined area, known as the Northern Mine, located in Sections 20, 21, 28, 29, 30, 31, 32, and 33, Township 31 South, Range 9 East of the Third Principal Meridian, in the County of Will, State of Illinois, in Sections 5, 6, 7, 8, and 18, Township 31 South, Range 9 East of the Third Principal Meridian, in the County of Kankakee, State of Illinois, and in Sections 26 and 35, Township 31 South, Range 8 East of the Third Principal Meridian, County of Grundy, State of Illinois. The complaint further alleges Respondent since on or about September 12, 1974 has ceased mining activities at the Northern Mine without at that time or any time thereafter having been issued an abandonment permit by the Agency in violation of Rules 201 and 502 of the Chapter 4: Mine Related Pollution Regulations (Chapter 4) and that Respondent failed to notify the Agency of such cessation of all mining or mine refuse disposal operations at the Northern Mine site within a thirty (30) day period for such notice as required by Rule 501(a)(1) of Chapter 4.

On May 5, 1976 a hearing was held concerning this matter at Kankakee, Illinois. At this hearing the basic elements of a settlement agreement were set out before the hearing officer. These terms were to be submitted to the hearing officer within fourteen (14) days.

Within the terms of this settlement Respondent admits ownership of the alleged site and that since on or about September 12, 1974 Peabody has ceased mining coal at the site without at that time or any time thereafter having been issued a permit therefore by the Agency. Peabody agrees to file with the Agency within six weeks after approval of this Board an application for an abandonment permit pursuant to Chapter 4. A penalty of \$1500 was agreed to by both parties. Permits issued by the Department of Mines and Minerals were attached to the settlement agreement to indicate the type of reclamation work already accomplished by Peabody on certain portions of the mine.

The Board finds this agreement acceptable under Procedural Rule 333. The Board finds Peabody Coal in violation of Rules 201, 501(a)(1) and 502 of Chapter 4. A penalty of \$1500 is assessed to aid in the enforcement of the Act. Peabody shall be required to file the proper application with the Agency within six weeks, as at the hearing it was stated that six weeks were necessary to complete certain drawings which are to accompany the application.

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:

1. Peabody Coal Company is found to be in violation of Rules 201, 501(a)(1) and 502 of the Chapter 4: Mine Related Pollution Regulations.

2. Respondent shall apply for an abandonment permit within six (6) weeks of this order.

3. Respondent shall pay a penalty of \$1500 within thirty-five (35) days of this order. Payment shall be made by certified check or money order payable to:

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

Mr. James Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 16th day of December, 1976 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board