

ILLINOIS POLLUTION CONTROL BOARD

November 22, 1974

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 vs. ) PCB 72-328  
 )  
 PEABODY COAL COMPANY (WILL SCARLET )  
 MINE), )  
 )  
 Respondent. )

ORDER OF THE BOARD (by Mr. Henss):

On February 7, 1974 the Board entered an Order which approved the settlement of this enforcement case. That Order provided for an abatement program at the Respondent's Will Scarlet Mine and included customary provisions for performance bond and progress reports. The Order also provided as follows:

- "5. Within the 9 months following this Order, Respondent shall participate in negotiations involving other mine pollution abatement projects in Illinois in a manner satisfactory to the Agency and the Board. Upon written notice to the Pollution Control Board and Respondent by the Agency that Respondent has failed to satisfactorily participate in pollution abatement at non-owned point sources, or upon such finding by the Board, Respondent shall within 30 days pay a penalty of \$15,000. Penalty payment by certified check or money order shall be made to: Fiscal Services Division, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706. Payment of this penalty shall apply solely to violations in this proceeding and shall not be attributable to any failure in negotiations involving mine discharge from property for which Peabody Coal is legally responsible.
6. Within 30 days after reaching agreement on a pollution abatement project the parties shall notify the Board regarding the details of the project, including ownership of the real estate and pollution sources

involved and the identity of any person or company who created the pollution source or may be liable for allowing the pollution to occur. If no agreement is reached regarding a pollution abatement project within 9 months, the parties shall advise the Board of that fact and the \$15,000 penalty shall become due and payable."

The 9 months have now elapsed following the entry of this Order and this Board has not received any information from the parties as to their negotiation on mine pollution abatement projects. The Board wishes to learn whether the parties reached agreement regarding a pollution abatement project within 9 months and would like to be informed as to Respondent's participation in pollution abatement at non-owned point sources.

Therefore, it is ordered that the parties within 14 days submit the following:

1. Advise the Board whether agreement was reached regarding a pollution abatement project within 9 months after the Board Order of February 7, 1974.
2. A detailed report to the Board of Respondent's participation in pollution abatement at non-owned point sources since February 7, 1974.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 22<sup>ND</sup> day of November, 1974 by a vote of 4 to 0.

Christan L. Moffett