

ILLINOIS POLLUTION CONTROL BOARD
January 29, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 72-63
)
)
 TRUAX-TRAER COAL COMPANY, a)
 Division of Consolidation)
 Coal Company,)
)
 Respondent.)

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 72-153
)
)
 CONSOLIDATION COAL COMPANY,)
)
 Respondent.)

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

On December 19, 1975 Respondent Consolidated Coal company filed a Petition for Termination of Temporary Order. Termination is sought of the Board Order in the consolidated enforcement actions in PCB 72-53 and PCB 72-153 (February 27, 1973). That Order approved a settlement agreement, but also retained jurisdiction for the purpose of reviewing plans for the final reclamation of the land involved.

On January 21, 1976 the Environmental Protection Agency filed an Objection to Petition for Termination. While recommending the rejection of this instant petition, the Agency suggests certain modifications in the February 27, 1973 Board Order.

The Board feels that no adequate reason is given to support a termination of the Board's jurisdiction in this matter. The purpose of the original Order, the final reclamation of the land, has not been fulfilled. The motion will therefore be denied.

However, neither is there adequate evidence upon which to base a modification of the Board Order. A modification would appear to be appropriate at this time to allow the Order to better reflect the current situation. Therefore the Board will give

Respondent 45 days to submit a plan for permanent pollution control, including alternatives and information used in arriving at the plan, to the Board and the Agency. The Agency will then have 45 days to review the information and comment on the plan. The Board will thus consider all of the above materials and attempt to make a final determination in this matter.

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

ORDER

1. Respondent's Petition for Termination of Temporary Order is hereby denied.


2. Respondent shall, within 45 days of the date of this Order, submit a plan for permanent pollution control to the Board and the Agency. The plan shall include information concerning the costs and feasibility of the different methods of controlling pollution caused by each of the potential pollution sources addressed in the February 23, 1973 Board Order.

3. After receipt of this plan, the Agency shall have 45 days to submit its Recommendation to the Board.

IT IS SO ORDERED.

Mr. Young and Dr. Satchell abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 29th day of January, 1976 by a vote of 3-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board