

ILLINOIS POLLUTION CONTROL BOARD  
June 22, 1989

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Petitioner, )  
 )  
v. ) PCB 89-24  
 )  
OLD BEN COAL COMPANY, )  
A Delaware Corporation, )  
 )  
Respondent. )

MR. JAMES L. MORGAN, ESQ., ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE PETITIONER.

MR. JEFF CONRAD AND MR. LINDELL SNEED APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board upon a complaint filed on behalf of the Illinois Environmental Protection Agency, by and through its attorney, Neil F. Hartigan, Attorney General of the State of Illinois, against the Old Ben Coal Company. The complaint alleges that the Old Ben Coal Company has violated Ill. Rev. Stat. 1987, ch. 111<sup>1/2</sup>, pars. 1012(a) and (f) and 35 Ill. Adm. Code 302.203, 302.204, 403.102 and 406.106(b).

Hearing on this matter was held on March 21, 1989 in West Frankfort, Illinois. At hearing the parties entered a Stipulation and Proposal for Settlement. The Stipulation addresses the facts and proposed terms of settlement in this matter. The Board notes that among other terms of the Proposal for Settlement, the Old Ben Coal Company admits the violations as alleged in the Complaint.

The Board finds the Stipulation acceptable under 35 Ill. Adm. Code 103.180.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:

- 1) The Board hereby accepts the Stipulation and Proposal for Settlement executed by Old Ben Coal Company and the Illinois Environmental Protection Agency concerning the Old Ben Coal Company's John Ross Plant in Franklin County and filed with the Board on March 24, 1989. The Stipulation and the Proposal for Settlement is incorporated by reference as though set forth herein.
  
- 2) Old Ben Coal Company, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, shall pay the sum of \$10,000.00 (ten thousand dollars). The sum shall be paid within 30 days of the date the Respondent receives notice of this order. The payment shall be mailed to:

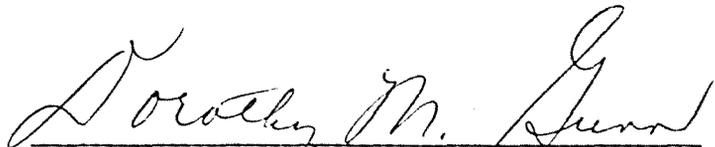
Fiscal Service Division  
Illinois Environmental Protection  
Agency  
2200 Churchill Road  
Springfield, IL 62706

- 3) This docket is hereby closed.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987 ch. 111<sup>1/2</sup>, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 22<sup>nd</sup> day of June, 1989, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk,  
Illinois Pollution Control Board