

ILLINOIS POLLUTION CONTROL BOARD
December 4, 1980

AMAX COAL COMPANY, a division)
of AMAX, INC.,)
)
Petitioner,)
)
v.) PCB 80-63, -64
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

MESSRS. ROBERT L. TRIERWEILER AND STEPHEN HANSELL, ATTORNEYS AT LAW, AMAX COAL COMPANY, APPEARED ON BEHALF OF THE PETITIONER.


MS. MARY E. DRAKE, ASSISTANT ATTORNEY GENERAL, AND MR. SCOTT O. PHILLIPS, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

ORDER OF THE BOARD (by D. Satchell):

The following Chapter 4 operating permit denials for Amax Coal Company's Sunspot Mine in Fulton County are reversed: PCB 80-63, Supplemental and Renewal permit application, Log #8022-80, Permit Denial B, Letter of denial February 21, 1980; and, PCB 80-64, Proposed Sedimentation Pond 004, Log #8033-80, Letter of denial March 10, 1980. The appeal is remanded to the Illinois Environmental Protection Agency (Agency) for issuance of permits subject to lawful conditions. The Agency's November 12, 1980 motion to strike the amicus brief filed by the Illinois Coal Association is granted.

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


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