

ILLINOIS POLLUTION CONTROL BOARD
November 29, 1979

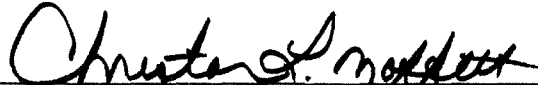
PEABODY COAL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 78-296
)
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by Dr. Satchell):

On October 24, 1979 Peabody Coal Company (Peabody) filed a motion for rehearing and other relief which requests reconsideration of the Board's Opinion and Order of September 20, 1979. On November 13, 1979 the Environmental Protection Agency (Agency) filed a belated Response opposing reconsideration along with a motion to file and memorandum. On November 14, 1979 Peabody filed a reply and motion for leave to reply. Each party's motion for leave to file is granted. To the extent Peabody requests a summary remand to the Agency its motion is denied. To the extent Peabody demands a rehearing its motion is denied since it has not pointed to unresolved factual disputes which would require a hearing. To the extent Peabody requests reconsideration of the Board's Order the motion is granted. Since it appears that Peabody has not fully briefed all of the issues raised in its motion, leave is granted to file an additional brief within thirty days. The Agency will have thirty days thereafter to respond.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 29th day of November, 1979 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board