

ILLINOIS POLLUTION CONTROL BOARD
November 23, 1977

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 77-5
)
 VALLEY MINING COMPANY, An Illinois)
 corporation, and LARRY E. JACOBUS,)
)
 Respondents.)

MR. PATRICK J. CHESLEY, ASSISTANT ATTORNEY GENERAL, APPEARED
FOR THE COMPLAINANT.
MR. ORAL C. KOST, OF KOST, DOWN & MERIDIAN, APPEARED FOR THE RESPONDENTS.

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

I. LEGAL BACKGROUND

This matter comes before the Board upon the January 6, 1977 Complaint of the Environmental Protection Agency (Agency) charging Valley Mining Company (Valley), an Illinois corporation with violations of Rule 201 of Chapter 4: Mine Related Pollution (Chapter 4) and Section 12(b) of the Environmental Protection Act(Act). On April 25, 1977, an Amended Complaint was filed adding Larry E. Jacobus as a party Respondent. Hearings were held on July 7, 1977 and September 8, 1977, and the parties filed a Statement of Stipulated Settlement on October 11, 1977.

II. FACTUAL BACKGROUND

Larry E. Jacobus is the owner of a parcel of property located in Fulton County, Illinois. From approximately October 29, 1975 through January, 1976, strip mining operations were carried on at the site by Valley. Jacobus was the President and a Director of Valley during this period and until the corporation was voluntarily dissolved on January 3, 1977. Neither Respondent obtained a mining permit from the Agency for mining at this site.

Valley and Jacobus admit, in the stipulation, to operating a mining facility without an Agency mining permit in violation of Rule 201 of Chapter 4 and Section 12(b) of the Act.

III. STIPULATION AND SETTLEMENT

In the stipulation, Valley and Jacobus agree to cease and desist from mining operations at the site until a mining permit is obtained. In addition, they agree to pay a penalty of \$250.00, the parties to be held jointly and severally liable for its payment.

The Board accepts the Statement of Stipulated Settlement submitted by the parties and finds Valley and Jacobus in violation of Rule 201 of Chapter 4 and Section 12(b) of the Act. The Board imposes the stipulated penalty of \$250.00 as adequate to aid enforcement of the Act and Regulations.

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

ORDER

It is the Order of the Pollution Control Board that:

1. Valley and Jacobus are in violation of Rule 201 of Chapter 4 and Section 12 (b) of the Act from approximately October 29, 1975 through January, 1976.
2. Valley and Jacobus shall cease and desist from all aforementioned violations of the Act and Regulations.
3. Valley and Jacobus shall comply with all terms and conditions of the Statement of Stipulated Settlement filed October 11, 1977, which is incorporated by reference as if fully set forth herein.
4. Valley and Jacobus shall pay a penalty of \$250.00, for which they are jointly and severally liable, within 30 days of the date of this Order, payment to be made by certified check or money order to:

State of Illinois
Fiscal Services Division
Illinois E. P. A.
2200 Churchill Road
Springfield, Illinois 62706

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 23RD day of November, 1977 by a vote of 5-0.

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