

ILLINOIS POLLUTION CONTROL BOARD
August 5 , 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) 75-284
)
 HARRISBURG COAL COMPANY,)
)
 Respondent.)

ORDER OF THE BOARD (by Dr. Satchell):

The Environmental Protection Agency (Agency) filed a Motion for Hearing on July 21, 1976. This motion was filed because of the Board's Order of April 8, 1976 requiring from Respondent a Certificate of Acceptance within 35 days of the Order. This was done because the Board had extended the parties' stipulated facts, methods of compliance and penalty by specifying the method of performance bond release (Order, Par. 2). Respondent has not filed the required certificate. It is necessary for Respondent to accept the change in order that the Board's Order be made "binding and enforceable." Harrisburg Coal Company has already been dilatory in meeting its environmental responsibilities. Holding a hearing now will cause delay and more environmental damage. The Board will modify its Order of April 8, 1976 rather than allow further delay of the remedy in this case:

(1) Paragraph 2 of the Order shall read as follows:

Same except strike the language after the semi-colon; namely, "release of such bond shall be effected by the Environmental Protection Agency upon compliance with all Regulations."

(2) The Board strikes Paragraph 5 of that Order.

The Agency's Motion for Hearing is denied.

Mr. Young abstained.
IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 5th day of August, 1976 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board