

ILLINOIS POLLUTION CONTROL BOARD

June 21, 1973

PEABODY COAL COMPANY,)	
)	
Petitioner,)	
)	
vs.)	PCB 73-58
)	
ENVIRONMENTAL PROTECTION AGENCY,)	PCB 72-328
)	
Respondent.)	

ORDER

Peabody Coal Company has filed a Motion to Dismiss its variance petition but wishes to proceed with its appeal from an EPA denial of a mine drainage permit at the Will Scarlet Mine. The Variance Petition was originally filed in PCB 72-328 and was continued as PCB 73-58. A dismissal of the Variance Petition shall include the Variance requests docketed under both cases.

The Motion to Dismiss variance petition is allowed and it is ordered that the variance petitions included in PCB 72-328 and PCB 73-58 are hereby dismissed.

The appeal from permit denial shall proceed to hearing under Docket No. PCB 73-58.

It is so ordered.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 21st day of June, 1973 by a vote of 4 to 0.

