

ILLINOIS POLLUTION CONTROL BOARD  
March 11, 1993

COUNTY OF CHRISTIAN, )  
 )  
 Complainant, )  
 )  
 v. ) AC 93-4  
 ) (County No. None)  
 PEABODY COAL COMPANY, ) (Administrative Citation)  
 )  
 Respondent. )

ORDER OF THE BOARD:

This matter comes before the Board upon a January 21, 1993 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of Christian. A copy of that Administrative Citation is attached hereto, but will not be printed in the Board's Opinion Volumes. Service of the Administrative Citation was made upon Peabody Coal Company on January 14, 1993. The County of Christian alleges that on December 8, 1992, Peabody Coal Company, present owner and/or operator of a facility located in Christian County and commonly known to the Agency as Taylorville/Peabody Coal Company, violated Sections 21(p)(1) and 21(p)(4) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

Peabody Coal Company has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Peabody Coal Company has violated each and every provision alleged in the Administrative Citation. Since there are two (2) such violations, the total penalty to be imposed is set at \$1,000.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order Peabody Coal Company shall, by certified check or money order payable to the Christian County Treasurer, pay a penalty in the amount of \$1,000.00 which is to be sent to:

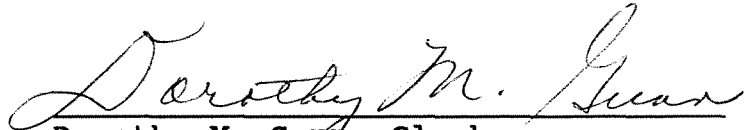
County of Christian  
Christian County Treasurer  
P.O. Box 199  
Taylorville, Illinois 62568

2. Respondent shall include the remittance form and write the case name and number and their social security or federal Employer Identification Number on the certified check or money order.
3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.
4. Payment of this penalty does not prevent future prosecution if the violation continues.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111-1/2, Par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Board, hereby certify that the above order was adopted on the 11<sup>th</sup> day of March, 1993, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board