

ILLINOIS POLLUTION CONTROL BOARD
January 10, 1980


SAHARA COAL COMPANY, INC.,)
)
 Petitioner,)
)
 v.) PCB 79-146
)
 ENVIRONMENTAL PROTECTION AGENCY)
)
 Respondent.)

ORDER OF THE BOARD (by Dr. Satchell):

On December 26, 1979 the Board received a letter from Sahara Coal Company, Inc. (Sahara) requesting that the Board render, without a hearing, a final decision based on the amended variance petition and recommendation. On August 23, 1979 the Board received from a Lucian Lewis a letter, dated August 17, 1979, objecting to the requested variance and setting forth that David and Lucian Lewis own several hundred acres of cropland which floods frequently during winter months and also gets "deposits of coal dust which come down the creek in the form of suspended solid and settle out on our cropland and into our drainage ditch." This allegation could be a violation of Rules 605 and 606 of Chapter 4: Mine Related Pollution, However, Sahara has requested a variance only from the Rule 605 water quality limitations on total dissolved solids and sulfate. The requested variance would not authorize the discharges to which the Lewises object. In addition Procedural Rule 404 provides for written objection to variance petitions within twenty-one days of filing. Sahara's petition was filed on July 25, 1979. The objection was dated August 17, 1979, twenty-three days later, and received by the Board six days after that. A hearing is therefore not required under Procedural Rule 407(c)(2). The motion is granted.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 10th day of January, 1980 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board