ILLINOIS POLLUTION CONTROL BOARD
October 3, 2002

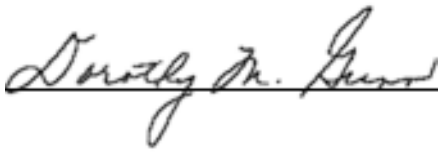
PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 99-134
	)	(Enforcement – Water)
PEABODY COAL COMPANY, a Delaware corporation,	)	
	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by N.J. Melas):

On September 16, 2002, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a third amended complaint as ordered by the Board on August 22, 2002. Both the Board's August 22 and June 20, 2002 orders asked the People to remove citations to Section 302.208 of the Board regulations. 35 Ill. Adm. Code 302.208 (1982). The People removed one citation to that section, yet six citations (two are incorporated by reference) to that section remain.[1] In particular, count III of the second amended complaint alleges Peabody violated Section 302.208. The Board does not accept the complainant's third amended complaint, and orders the People to file another amended complaint removing allegations of a violation of Section 302.208 within 14 days or the Board will dismiss this case.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 3, 2002, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

[1] The citations remain on pages 26, 27 (which are re-alleged and incorporated in count III on page 48), 49 and 50.