

Condition No. 12(f) and Special Condition No. 13 of Peabody's NPDES permit by failing to monitor and report the discharge of coal slurry water;

- (4) Section 12(a) of the Act (415 ILCS 5/12(a) (2016)) and Sections 302.203, 304.106, and 406.107 of the Board's regulations (35 Ill. Adm. Code 302.203, 304.106, and 406.107) by making an "offensive discharge" through the discharge of coal slurry decant water;
- (5) Section 12(a) of the Act (415 ILCS 5/12(a) (2016)) and Sections 302.203, 304.105, and 406.202 of the Board's regulations (35 Ill. Adm. Code 302.203, 304.105, and 406.202) by causing an "offensive condition" through the discharge of coal slurry decant water;
- (6) Section 12(a) of the Act (415 ILCS 5/12(a) (2016)), Section 406.202 of the Board's regulations (35 Ill. Adm. Code 406.202), and Condition 11(c) of Peabody's NPDES permit by failing to comply with the Board's "Good Mining Practices" in Sections 406.204(b) and 406.206 (35 Ill. Adm. Code 406.204(b), 406.206); and
- (7) Section 12(a) of the Act (415 ILCS 5/12(a) (2016)) and Section 405.111 of the Board's regulations (35 Ill. Adm. Code 405.111) by failing to notify Illinois EPA within one hour of becoming aware of the discharge of coal slurry decant water.

The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On June 2, 2017 simultaneously with the People's complaint, the People and Peabody filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2016)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2016)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Peabody does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$42,500.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2016); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 8, 2017, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, circular initial "D".

Don A. Brown, Clerk
Illinois Pollution Control Board