

ILLINOIS POLLUTION CONTROL BOARD  
July 9, 1992

IN THE MATTER OF: )  
 )  
PETITION OF ILLINOIS POWER ) AS 92-7  
COMPANY (VERMILION POWER STATION) ) (Adjusted Standard)  
FOR ADJUSTED STANDARDS FROM 35 )  
ILL. ADM. CODE 302.208(e) )

ORDER OF THE BOARD (J. Anderson):

On July 1, 1992, Illinois Power Company (Illinois Power) filed a petition for an adjusted standard for its Vermilion Power Station from the general use water quality standards for boron, sulfate, and total dissolved solids in 35 Ill. Adm. Code 302.208(e). On the same date, Illinois Power also filed a motion requesting the Board to waive the verifying affidavit requirement of 35 Ill. Adm. Code 106.706. On July 8, 1992, the Illinois Environmental Protection Agency (Agency) filed a response in opposition to the motion.

In support of its motion, Illinois Power argues that the submission of affidavits would be duplicative because it "has requested a hearing and will be tendering verified witness testimony that will support the assertions of material fact in its petition." Illinois Power adds that its witnesses will be available for cross-examination.

The Board hereby denies Illinois Power's motion. As the Agency correctly notes, the Board has already decided that a hearing at a later date is an insufficient reason to forego verification of an adjusted standard petition by affidavit. Specifically, in In the Matter of: Procedural Rules Revision 35 Ill. Adm. code 101, 106 (Subpart G), and 107 (March 2, 1989), R88-5(A), 97 PCB 30-31, we stated:

It was suggested by one commentor that a petition need only be verified by affidavit when the petitioner has waived a hearing and that a waiver of previously scheduled hearing will only be effective when accompanied by an affidavit verifying the petition. (P.C. #22) the board finds that it makes more sense for an affidavit verifying a document to be filed with that document and not sometime, perhaps even months, after the document is filed. This would in turn also allow the quick waiver and cancellation of a hearing without delay for preparation of an affidavit verifying the petition. The Board cannot see how requiring that an affidavit be filed with each petition would impose an unreasonable burden upon the petitioner.

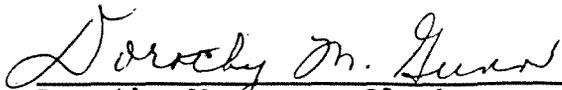
Accordingly, the Board directs Illinois Power to file a

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verifying affidavit in accordance with 35 Ill. Adm. Code 106.706. The affidavit is to be received by the Board no later than July 29, 1992.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certifies that the above order was adopted on the 9<sup>th</sup> day of July, 1992, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board