

ILLINOIS POLLUTION CONTROL BOARD
April 8, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 75-280
)
 ZEIGLER COAL COMPANY,)
)
 Respondent.)

INTERIM ORDER OF THE BOARD (by Mr. Goodman):

This matter has been referred to the Board by the Hearing Officer herein under Rule 206(a)(7) of the Procedural Rules of the Illinois Pollution Control Board. At issue are certain interrogatories directed by Complainant to Respondent concerning the Respondent's economic status.

Complainant alleges the information is necessary for it to produce sufficient information so as to allow the Board to make a determination under Section 33(c) of the Environmental Protection Act as interpreted by the Appellate and Supreme Courts of the State of Illinois. Since the last criteria in Section 33(c) involves a consideration of economical reasonableness of reducing or eliminating discharges, the Board finds that the economic status of Respondent is at issue in this case and that the Agency has the right to request information on said status (See Environmental Protection Agency v. Harold D. Woods, PCB 75-168, Interim Order of the Board issued today).


With respect to the interrogatories filed by Complainant on January 28, 1976, with a Request for Order, the Board hereby strikes interrogatories numbers 3, 6, 7, 8, 9, 12 and 13 as being beyond what is necessary for the purpose intended. With respect to the remaining interrogatories the Board finds them to be well within the scope of information required by the Agency to fulfill their duty

under Section 33 of the Act and hereby orders Zeigler Coal Company to respond to such interrogatories in such manner as shall be determined by the Hearing Officer herein.

IT IS SO ORDERED.

Mr. Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 8th day of April, 1976 by a vote of 40.


Christan L. Moffett, Clerk
Illinois Pollution Control Board