

ILLINOIS POLLUTION CONTROL BOARD
April 3, 1997

CENTRAL ILLINOIS PUBLIC SERVICE)
COMPANY (NEWTON STATION),)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 97-159
(Variance - Water)

ORDER OF THE BOARD (by R.C. Flemal):

On March 17, 1997 Central Illinois Public Service Company (CIPS) filed a petition requesting a variance from the thermal standards applicable to Newton Lake. In the petition CIPS requests that the Board incorporate the entire record of a prior proceeding, PCB 78-271, into the record of the instant proceeding. The request to incorporate is denied as overly broad. However, the Board will incorporate by reference the prior Board opinions and orders from PCB 78-271. Petitioner may "upon separate written request" incorporate relevant portions of the prior record by filing four copies of the material with the Clerk of the Board, consistent with the Board's procedural rules at 35 Ill. Adm. Code 101.106.

The Board finds that CIPS' petition is in compliance with the requirements for a variance petition found at 35 Ill. Adm. Code 104.121. The petition is hereby accepted. The Board defers decision on the merits of the petition until the Illinois Environmental Protection Agency files a recommendation with the Board and CIPS. CIPS waived hearing in this matter pursuant to Section 104.124 of the Board's procedural rules.

IT IS SO ORDERED.

Board Member Kathleen M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the _____ day of _____, 1997 by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board