ILLINOIS POLLUTION CONTROL BOARD March 6, 1975

CITIZENS	FOR A	BETTER	ENVIRONMENT	,)		
		Comp	olainant,)		
vs.)	PCB	74-367
CITIZENS ILLINOIS		ries com	MPANY OF)		
		Res	spondent.)		

ORDER OF THE BOARD (by Mr. Henss):

Complainant moves the Board to reverse the ruling of the Hearing Officer entered on February 14, 1975, which order denied the admission into evidence of certain of Complainant's exhibits. The exhibits were apparently samples of water and various items of discolored laundry. The record was not submitted to us, but we gather from the pleadings that these exhibits were deemed inadmissable because they were not collected within the time period alleged in the Complaint and the method used in collecting the samples and exhibits was not scientifically and legally reliable. Complainant has now filed a Second Amended Complaint which encompasses the time period when the exhibits were collected. The record has not been closed and further hearings are scheduled.

We deny the motion without prejudice, since it is not accompanied by sufficient record from which we can conclude that the Hearing Officer was in error. The filing of the Second Amended Complaint will undoubtedly eliminate one of the issues with regard to the admissability of such evidence upon subsequent hearings. Because the time period of the Complaint has now been extended, our ruling is without prejudice to Complainant's right to again offer such exhibits for ruling by the Hearing Officer. However, it is the burden of Complainant to establish the reliability and competency of its evidence, and the record submitted to us is too meager for us to draw a conclusion on that issue.

Motion to reverse the ruling of the Hearing Officer with regard to the admissability of Complainant's Exhibits 2 through 12 is hereby denied without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this day of mack, 1975 by a vote of 4 to .

Christan In offett.