

ILLINOIS POLLUTION CONTROL BOARD
June 23, 1994

IN THE MATTER OF:)
)
PROPOSED SITE SPECIFIC WATER)
POLLUTION RULES AND REGULATIONS) R81-19
APPLICABLE TO CITIZENS UTILITIES) (Rulemaking)
COMPANY OF ILLINOIS DISCHARGE)
TO LILY CACHE CREEK) (On Remand)

ORDER OF THE BOARD (by C.A. Manning):

On March 17, 1994, the Board granted a Motion to Defer Proceedings filed by Citizens Utilities Company of Illinois (Citizens). The Board also directed Citizens to file a status report with the Clerk of the Board on or before Thursday, June 16, 1994. The report was to indicate the status of the negotiations with the USEPA, whether additional time is required to complete negotiations, or whether it is necessary to proceed with this rulemaking. The Board also requested that Citizens file the appropriate motion withdrawing the petition for a site-specific rule in the event that settlement is reached sooner than anticipated.

On June 15, Citizens filed with the Board a Motion to Further Defer Proceedings and a Status Report. As in the original motion to defer, Citizens indicates the company has been engaged in settlement negotiations and has negotiated a tentative settlement of all outstanding issues that relate to Citizens' Plant No.1 with the USEPA. Citizens again emphasizes that upon completion and execution of all necessary settlement documents, R81-19 will be moot. Citizens now believes that in the past ninety days of active negotiations, substantially all material issues have been or shortly will be resolved; however, additional time will be required to complete negotiations and prepare all of the necessary settlement documents.

As such Citizens requests that the Board defer these proceedings for an additional ninety days. The motion is hereby granted. Citizens is directed to file a status report with the Clerk of the Board on or before Thursday, September 29, 1994. As in the prior report, the second report shall indicate the status of the negotiations with the USEPA, whether additional time will be required to complete negotiations, or whether it will be necessary to proceed with this rulemaking. In the event that settlement is reached sooner than anticipated, Citizens is requested to file the appropriate motion withdrawing the petition for a site-specific rule.

Board Member R.C. Flemal abstained.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 23rd day of June, 1994, by a vote of 5-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board