

ILLINOIS POLLUTION CONTROL BOARD
November 21, 1985

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

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter comes before the Board on remand from the Third District Appellate Court for further proceedings consistent with the views expressed by the court. This matter involves a petition for site-specific regulatory relief for discharges into Lily Cache Creek by Citizens Utilities Company of Illinois (Citizens). On May 5, 1983 the Board dismissed the petition because the record provided an inadequate basis to determine whether the proposal was justified. Op. at 9. On appeal of the dismissal, the Third District found that although there might be shortcomings in the record, the Board must "confront the issue of the economic impact of the proposed regulatory change." (Slip. Op. at 8). The Court further found that until such a determination was made, the administrative record was incomplete for review. In its May 5, 1983 opinion the Board stated that "[t]here is not enough information as to potential, or even actual, use or impact for the Board to make a determination as to whether it is economically reasonable to maintain the general use water quality standards along the Creek." Op. at 9. Given the current inadequacy in the record, the Board orders that further hearing be held on the economic impact of this regulatory proposal.

IT IS SO ORDERED.

R. C. Flemal abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st day of November, 1985, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board