## ILLINOIS POLLUTION CONTROL BOARD May 20, 1976

THE QUAKER OATS COMPANY,	)		
Petitioner,	)		
v.	) ) )	РСВ	75-439
ENVIRONMENTAL PROTECTION AGENCY,	) )		
Respondent.	)		

ORDER OF THE BOARD (by Mr. Goodman):

On May 3, 1976 Respondent herein filed its Motion for Reconsideration by the Board of its March 25, 1976 Opinion and Order. The Motion consisted of an affidavit of James B. Park, Supervisor of the Standards Unit of the Planning and Standard Section of the Division of Water Pollution Control of the Environmental Protection Agency (Agency).

In his affidavit Mr. Park states "case-by-case decisions by the Board are of no help to the Agency in making the judgments it must make as to what constitutes 'waters'". The Board agrees with this statement but finds that case-by-case decisions are necessary where, as here, the technical criteria necessarily used by the Agency do not result in a reasonable answer to the problem. The Board does not criticize the criteria used by the Agency in reaching its decision, but it finds in this particular case that the final decision of the Agency based on such criteria was not reasonable.

Respondent's attention is directed to the last paragraph of the Opinion with respect to its value as precedent.

Respondent's Motion for Reconsideration is hereby denied.

IT IS SO ORDERED.

Mr. Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the day of \_\_\_\_\_\_\_, 1976 by a vote of \_\_\_\_\_\_\_.

Christan L. Moffett, Clerk Illinois Pollution Control Board