

ILLINOIS POLLUTION CONTROL BOARD

September 4, 1997

IN MATTER OF:)
)
PETITION OF THE GALESBURG) AS 94-20
SANITARY DISTRICT, GALESBURG,) (Adjusted Standards - Water)
ILLINOIS FOR AN ADJUSTED)
STANDARD FROM 35 ILL. ADM. CODE)
304.105 (AMMONIA NITROGEN))

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

The recent history of this matter has focused on the Galesburg Sanitary District's (District) petition to amend its requested relief and the Illinois Environmental Protection Agency's (Agency) opposition to that attempt. See Board orders in this matter of May 15, 1997 and June 19, 1997. Currently outstanding are three motions, the Agency's June 30, 1997 request to deny the District's motion to amend requested relief, the District's July 8, 1997 response to the Agency's request for reconsideration and a motion to strike Agency's response, and the Agency's July 17, 1997 reply to the District's response to request for reconsideration and a response to the motion to strike the Agency's response.

The principal problem in this matter is that the record is cold. Hearings in this matter were conducted in September of 1995. Moreover, subsequent to those hearings the Board adopted new ammonia nitrogen water quality standards. In the Matter of: Triennial Water Quality Review (December 19, 1996), R94-1(B). The new 1996 water quality standards replace the 1982 standards which were applicable when this record was developed. In light of the time that has elapsed since the hearings, the new applicable standards, and the amended request for relief, the Board believes that it can not make a fully informed decision based upon the record as it currently stands.

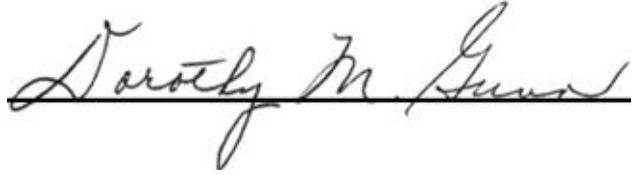
Therefore, the Board on its own motion (See 35 Ill. Adm. Code 106.801(a)(2)) hereby orders the District and the Agency to return to hearing and to update the record in this manner. If the District or the Agency intends to rely on exhibits entered into the record at the 1995 hearing, or to any other parts of the existing record, it should clearly identify that material, and its relevance to the amended petition prior to proceeding to hearing.

In light of today's order, the Board denies the Agency's request to deny the District's motion to amend requested relief and at this time denies the Agency's request made in its post-hearing brief to deny the relief requested in the District's amended petition for adjusted standard.

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 4th day of September 1997 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board