

ILLINOIS POLLUTION CONTROL BOARD  
February 1, 2001

IN THE MATTER OF: )  
)  
REVISIONS TO ANTIDegradation ) R01-13  
RULES: 35 Ill. Adm. Code 302.105, ) (Rulemaking – Water)  
303.205, 303.206, and 106.990-106.995 )

ORDER OF THE BOARD (by G.T. Girard, R.C. Flemal, N.J. Melas):

On January 29, 2001, the Board received a motion (Mot.) filed by the Illinois Environmental Regulatory Group (IERG) asking the Board to strike testimony filed by the Illinois Department of Natural Resources (IDNR). Also on January 29, 2001, the Board received a supplemental motion to strike filed by the Illinois Steel Group. Although the time for responding to the motions to strike has not passed, the Board will rule on the motions to prevent undue delay in this proceeding. See 35 Ill. Adm. Code 101.500(d).

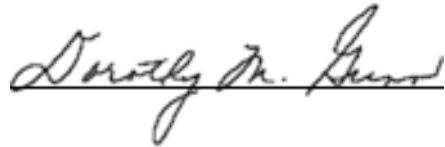
IERG argues that the testimony of David L. Thomas, filed by IDNR, should be stricken because the testimony proposed that the “Board should consider four water bodies ‘for immediate ORW [outstanding resource water] designation’ in this rulemaking.” Mot. at 3. IERG asserts that the purpose of this rulemaking is not to designate particular water bodies as ORWs. Mot. at 4. IERG maintains that the rules for designating ORWs do not exist and therefore IDNR’s request is premature. Mot. at 6 and 8. The Illinois Steel Group joins in IERG’s arguments.

The Board agrees with IERG that one of the purposes of this rulemaking is to develop and establish a procedure by which waters of the State of Illinois can be designated as outstanding resource waters. The Board also agrees that the procedural regulations for designating outstanding resource waters are not in place, so, therefore, the Board will not designate any specific water bodies as outstanding resource waters in this rulemaking. However, in a rulemaking all information that is relevant and not repetitious or privileged may be admitted. See 35 Ill. Adm. Code 102.206. Although it may be premature to consider whether or not to designate a specific water body as an outstanding resource water, the testimony offered by IDNR is informative and the Board will consider any relevant testimony by IDNR in light of the purposes of this rulemaking. The Board does not believe that the testimony of David L. Thomas filed by IDNR should be stricken.

For the reasons discussed above, the Board denies the motions to strike. The Board clarifies that one of the purposes of this rulemaking is to establish the procedures for determining outstanding resource waters, and accordingly, no specific water bodies will be designated as outstanding resource waters in this rulemaking.

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 1st day of February 2001 by a vote of 6-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board