

ILLINOIS POLLUTION CONTROL BOARD
October 20, 1988

CITIZENS UTILITIES COMPANY OF)
ILLINOIS,)
)
Petitioner,)
)
v.) PCB 88-151
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

DISSENTING OPINION (by J. Theodore Meyer):

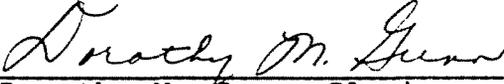
I dissent from the majority's order. Citizens Utilities Company of Illinois (Citizens) filed a motion to extend the time to file an amendment to its variance petition, seeking a 30-day extension. The majority order grants Citizen's motion in part, giving Citizens an additional eight days to file its amended petition. I would have denied the motion entirely, and left the due date for filing the amendment on November 7.

When the Board issued its September 22, 1988 order finding the variance petition deficient for failure to propose a specific compliance plan, it allowed Citizens 45 days to cure that deficiency. Given the fact that a variance petitioner controls when a petition for variance is filed, and thus assuming that the petitioner should have all of its support and required information prepared before filing, I believe that the 45-day period to cure any deficiency is sufficient. If Citizens is unable to meet this deadline and the petition is subsequently dismissed, Citizens always has the option of filing a new petition when it is prepared to commit to a specific compliance plan.



J. Theodore Meyer
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 24th day of October, 1988.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board