

ILLINOIS POLLUTION CONTROL BOARD
September 1, 1994

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|--------------------------|---|-----------------|
| CITIZENS UTILITY COMPANY |) | |
| OF ILLINOIS, |) | |
| |) | |
| Petitioner, |) | |
| v. |) | PCB 94-199 |
| |) | (Permit Appeal) |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

ORDER OF THE BOARD (By E. Dunham):

On August 25, 1994, the Illinois Environmental Protection Agency (Agency) filed a "Motion for Extension of Time to Answer". The Agency requests an extension until March 31, 1995 to file its answer. The deadline in this matter has been waived through July 1, 1995. The parties are presently involved in discussions towards resolution of the issues on appeal. The Agency contends that the filing of the answer is not necessary at this time. The Agency believes that filing of the answer by March 31, 1995 will allow sufficient time for notice, briefing and decision by the Board. The Agency indicates that petitioner has no objection to the extension.

The Board encourages negotiated settlements of permit appeals, and does not object to the grant of an extension of time for filing the Agency's answer. The Board, however, also encourages expeditious resolution of cases before it. Granting an extension of seven months for filing an answer may provide excessive delay if the parties become aware that negotiations are not going to lead to a workable settlement.

The Board therefore grants the Agency's motion for an extension of time to file an answer subject to the following conditions:

1. The Agency must file its answer within 30 days of any party's request for a hearing in this matter.
2. The Agency's answer must be filed no later than March 31, 1995.

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 September, 1994, by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board