

ILLINOIS POLLUTION CONTROL BOARD
December 6, 1991

CITIZENS UTILITIES COMPANY)	
OF ILLINOIS,)	
)	
Petitioner,)	
)	
v.)	
)	
ILLINOIS ENVIRONMENTAL)	PCB 85-95
PROTECTION AGENCY,)	(Variance)
)	
Respondent,)	
)	
and)	
)	
VILLAGE OF BOLINGBROOK,)	
)	
Intervenor.)	

ORDER OF THE BOARD (by J. Anderson):

On November 15, 1991, Citizens Utilities Company ("Citizens") filed a motion requesting the Board to reconsider and vacate its October 24, 1991 Opinion and Order in this matter. The Illinois Environmental Protection Agency ("Agency") has not responded to Citizens' motion. The motion to reconsider is granted.

In its October 24, 1991 Opinion and Order, the Board granted Citizens a variance in accordance with two Orders, dated February 5, 1987, and May 13, 1991, that were issued by the Third District Appellate Court. Citizens Utilities Company of Illinois v. Illinois Pollution Control Board, 152 Ill App. 3d 122, 504 N.E.2d 224 (3rd Dist. 1987); Citizens Utilities Company of Illinois v. Illinois Pollution Control Board, 213 Ill. App. 3d 864 (3rd Dist. 1991). Citizens argues that the Board failed to grant the relief specified by the Court in its opinions. Specifically, Citizens' argues that the Board failed to:

1. extend the variance until site-specific relief in R81-19 is granted, or until three years after final adjudication of R81-19, if it is not granted
2. make commensurate extensions to the compliance schedule set forth in PCB 78-313
3. make the requested modifications to the variance parameters effective July 2, 1985.

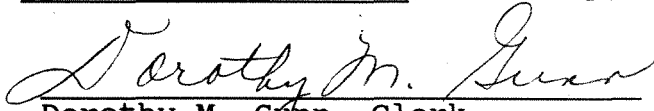
With respect to the relief specified in number 3 above, the Board notes that it made the requested modifications to the

variance parameters effective July 2, 1985. See Condition 1 of the Board's October 24, 1991 Order. Moreover, the Board explained in its October 24, 1991 Opinion why it could not grant the relief specified in numbers 1 and 2 above. See pages 4-5 of the Board's October 24, 1991 Opinion. Citizens has raised no new arguments that would persuade the Board to alter its decision with respect to such relief. Accordingly, for the foregoing reasons, the Board hereby grants Citizens' motion for reconsideration but declines to grant the relief requested therein.

IT IS SO ORDERED.

Board Member R. Flemal abstained and Board Member B. Forcade concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 6th day of December, 1991, by a vote of 6-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board