

ILLINOIS POLLUTION CONTROL BOARD
May 24, 1990

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

ORDER OF THE BOARD (by J. Anderson):

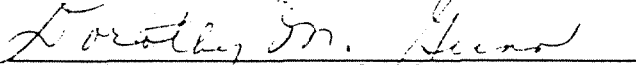
This matter comes before the Board on the May 22, 1990 filing of a "Motion for Leave to File a Reply to IEPA's Response to Motion for Reconsideration and Verification" from Citizens Utilities Company of Illinois ("Citizens"). In support of its motion, Citizens states that the Illinois Environmental Protection Agency's ("Agency") response to Citizens' Motion for Reconsideration contains several distortions, misstatements, and mischaracterizations. Citizens argues that a reply to the Agency's response is necessary in order to correct the record and allow the Board to make a fully informed decision in the matter but that its legal counsel is out of town until May 29, 1990. The Board grants Citizens motion and directs Citizens to file its reply with the Board on or before June 1, 1990.

The Board notes that Citizens, in its paragraph 4 of its motion, incorrectly states that the Agency late-filed its response to Citizens' Motion for Reconsideration without leave of the Board. The proof of service that was attached to the Agency's response indicates a May 18, 1990 mailing date. 35 Ill. Adm. Code 101.102(d) states that when a document is received after any due date, the time of mailing shall be deemed the time of filing.

IT IS SO ORDERED.

Board Member R. Flemel dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 24th day of May, 1990, by a vote of 6-1.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board