

ILLINOIS POLLUTION CONTROL BOARD
February 23, 1989

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

ORDER OF THE BOARD (by R. C. Flemal):

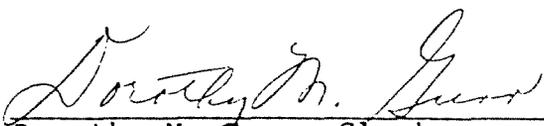
On February 17, 1989 the Illinois Environmental Protection Agency ("Agency") filed a motion requesting that this matter be dismissed. The Agency opines that Citizens Utilities Company of Illinois ("Citizens") may not be in violation in the regulations from which it requests variance, and that therefore variance may not be necessary. The Agency asks that the Board issue a declaratory judgment to this effect, and thereafter dismiss this proceeding.

Citizens filed a response on February 21, 1989, in which it contends that variance is necessary and requests that the Agency's motion be denied.

The Agency's motion is denied. There are obvious disagreements between the parties regarding potentially controlling facts in this matter. The Board believes these can best be resolved by allowing this matter to proceed.

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 23rd day of February, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board