

ILLINOIS POLLUTION CONTROL BOARD  
September 1, 1994

CITIZENS UTILITIES COMPANY	)	
OF ILLINOIS AND VILLAGE OF	)	
PLAINFIELD,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 94-203
	)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY AND VILLAGE	)	
OF BOLINGBROOK,	)	
	)	
Respondent.	)	

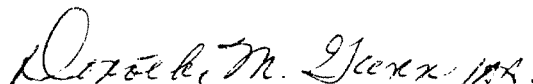
ORDER OF THE BOARD (by G. T. Girard):

On July 28, 1994, petitioners filed a petition for review of an Illinois Environmental Protection Agency (Agency) determination granting a modification of a NPDES permit to the Village of Bolingbrook (Bolingbrook). On August 16 and August 17, 1994, the Agency filed motions to dismiss the appeal. On August 17, 1994, Bolingbrook filed a motion to dismiss for lack of subject matter jurisdiction. Petitioners filed a response to the motions to dismiss on August 22, 1994 and a request to stay this proceeding. On August 29, 1994, the Agency filed an objection to the petitioner's motion to stay and on August 31, 1994, Bolingbrook also filed an objection to the motion to stay.

The Board denies the motion to stay as the decision deadline has not been waived. Petitioners cannot waive the statutory decision in this because the NPDES permit being contested was issued to respondent, Bolingbrook. The motions to dismiss for lack of subject matter jurisdiction are granted for the reasons enuciated in Citizens Utilities of Illinois and Village of Plainfield v. IEPA and Village of Bolingbrook, PCB 93-101, June 17, 1993. (See also, Citizens Utilities of Illinois and Village of Plainfield v. IPCB, IEPA and Village of Bolingbrook, No. 3-93-0736, slip.op. (3rd Dist. August 10, 1994).)

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 1<sup>st</sup> day of September, 1994, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board