

ILLINOIS POLLUTION CONTROL BOARD  
January 9, 1986

WESTERN ILLINOIS POWER	)	
COOPERATIVE, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 85-165
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by B. Forcade):

On November 7, 1985, the Board issued an order which required Western Illinois Power Cooperative, Inc. ("Western Illinois Power") to file more information concerning its variance request with the Board. Western Illinois Power was given forty-five days (45) from November 7 to complete its petition. Western Illinois Power filed part of the information requested on December 19, 1985, and thereby created an amended petition which restarts the 120-day decision period. However, in a motion for extension of time filed December 19, 1985, Western Illinois Power requested permission to file the rest of the required information by February 15, 1986.

Western Illinois Power is granted until February 15 to file the additional information. Unless this information is received by February 15, 1986, this matter will be dismissed. The Board notes Western Illinois Power's waiver is inadequate because: 1) this matter has a 120-day deadline, not 90 days; and 2) the waiver is not to a date certain or alternatively an open waiver. Unless an appropriate waiver is received with the information due February 15, 1986, this matter will be scheduled for hearing expeditiously.

On October 24, 1985, Western Illinois Power filed a motion to consolidate this matter with their Permit denial proceeding (PCB 85-164). The Agency did not respond. The motion to consolidate is denied. Since the legal questions presented and the burden of proof differ in a permit appeal and a variance case, consolidation would be inappropriate and the Motion is denied. The parties are ordered not to file jointly captioned pleadings before the Board.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certifies that the above Order was adopted on the 9<sup>th</sup> day of January, 1986, by a vote of 7-0.

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