

ILLINOIS POLLUTION CONTROL BOARD
October 20, 1988

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

ORDER OF THE BOARD (by J. Anderson):

On September 16, 1988, Citizens Utilities Company of Illinois ("Citizens") filed a petition for variance. On September 22, 1988, the Board issued an Order finding the petition to be deficient and discussing at length the apparent difficulty Citizens has had in submitting an acceptable compliance plan. To afford Citizens the opportunity to perfect its variance request, the Board granted Citizens 45 days in which to cure the articulated deficiencies and stated that if no amended petition were filed within that 45 day period the petition would be subject to dismissal.

On October 18, 1988, Citizens filed a motion requesting that the Board extend by 30 days the time to file an amendment to its variance petition. In support of its request, Citizens states that its personnel, consultants and counsel have been involved in other pending matters since the Order was entered. Consequently, they will not be able to address fully the Order ... by the November 7, 1988 deadline.

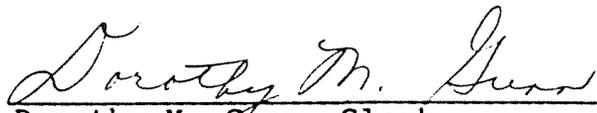
Because of the already lengthy procedural history (which is adequately described in the Board's Order of September 22, 1988) resulting in part from Citizens' repeated inability to submit an acceptable compliance plan and because of Citizens' lack of sufficient justification for failing to prepare an amended petition, the Board will not grant Citizens' request of a 30 day extension. However, the Board notes that Citizens 45 day period expires on November 7, 1988. The next scheduled Board meeting thereafter is November 17, 1988. The Board will therefore, grant Citizens until 5:00 p.m., Tuesday, November 15, 1988 to file its amended petition.

Thus, Citizens' motion is granted in part. If an amended petition is not filed by 5:00 p.m., November 15, 1988, the Board intends to dismiss the petition as deficient and terminate the Docket. Citizens may file a new petition when it is prepared to commit to a definite compliance plan.

IT IS SO ORDERED.

J. T. Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 20~~th~~ day of October, 1988, by a vote of 6-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board