

ILLINOIS POLLUTION CONTROL BOARD
August 9, 1990

CITIZENS UTILITIES COMPANY, OF ILLINOIS,)	
)	
Petitioner,)	
)	
v.)	PCB 85-95
)	(Variance)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Anderson):

This matter is before the Board on the May 24, 1990 filing of a Motion for Reconsideration by Citizens Utilities Company of Illinois, Inc. ("Citizens"). The Illinois Environmental Protection Agency ("Agency") has not filed a response to the motion.

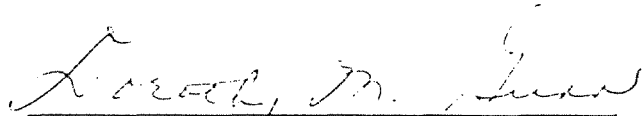
In its motion, Citizens requests the Board to reconsider its May 24, 1990 opinion and order. In support of the motion, Citizens states that the Board failed to follow the Appellate Court's February 5, 1987, remand order. Specifically, Citizens states that although Appellate Court directed the Board to grant the relief that Citizens requested in its variance petition, the Board granted only a portion of that relief.

The Board acknowledges, as it did in its May 24, 1990 opinion and order, that it granted only a portion of the relief requested by Citizens. The Board notes, however, that the Appellate Court's mandate is not as obvious and clear-cut as Citizens suggests. In fact, the Board noted in its May 24, 1990 opinion that the Appellate Court's order was unclear with regard to the scope of relief that the Board was to grant. Accordingly, the Board crafted its own order pursuant to a literal reading of the Appellate Court's order. There is nothing in Citizens' Motion for Reconsideration that persuades the Board that its interpretation of the Appellate Court's mandate is incorrect. Accordingly, Citizens Motion for Reconsideration is denied.

IT IS SO ORDERED.

Board Member R. Flemal abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 9th day of August, 1990, by a vote of 5-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board