

ILLINOIS POLLUTION CONTROL BOARD
September 15, 1982

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 79-142
)
 CITIZENS UTILITIES OF ILLINOIS,)
)
 Respondent.)


ORDER OF THE BOARD (by J. Anderson):

On September 2, 1982, the Board denied Citizens' August 13, 1982 motion to dismiss this action. On September 10, 1982 Citizens' moved the Board to reconsider its Order, stating that the Board had inadvertently ruled before Citizens' could file a reply memorandum as provided for in a Hearing Officer Order of August 25, 1982. The motion for reconsideration is granted.

The Board has considered Citizens' August 13, 1982 motion (filed 27 months after its May 2, 1980 "motion for directed verdict" and representation of intent to submit a written motion to the Board were made), its September 10, 1982 supporting memorandum, and the Agency's August 27, 1982 memorandum in opposition. The Board reaffirms its September 2, 1982 Order. Citizens has presented no case at hearing, yet is essentially arguing that evidence of what it characterizes as "solely technical" violations is mitigated by various factors. The Board will not deliberate the merits of Citizens' contentions until the hearing record is closed and final arguments (if any) have been presented to it.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 15th day of September, 1982 by a vote of 50.


Christan L. Moffett, Clerk
Illinois Pollution Control Board