

ILLINOIS POLLUTION CONTROL BOARD
July 27, 1989

MODINE MANUFACTURING COMPANY,)
)
 Petitioner,)
)
 v.) PCB 88-25
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Anderson):

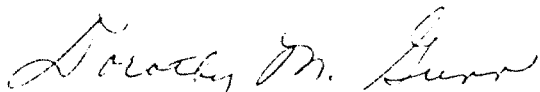
This matter is before the Board on Petitioner's July 17, 1989, Unopposed Motion to Supplement Record. The Environmental Protection Agency (Agency) is represented as having no objection to the motion and has not, in fact, file an objection with this Board.

The instant motion requests the Board to accept into the record a letter to petitioner dated June 2, 1989, from Toby D. Frevert, Manager of the Planning Section of the Agency's Division of Water Pollution Control, denying petitioner's three lagoon exemption request. Insofar as the Petitioner, at the Board hearing held on May 25, 1989, had alluded to the pending exemption request, petitioner suggests that the Agency's denial of its request is relevant to the pending petition in this case. Petitioner asserts no prejudice to any parties will result from admission of the letter since the issue was fully described at hearing and the parties will have the opportunity to refer to the letter in their respective briefs. No decision due date has been established.

The Board finds that acceptance of such letter as a supplement to the record will not prejudice the parties or foster unreasonable delay. The motion is granted.

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 27th day of July, 1989, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board