

ILLINOIS POLLUTION CONTROL BOARD
April 10, 1986

MODINE MANUFACTURING)	
COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 85-154
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

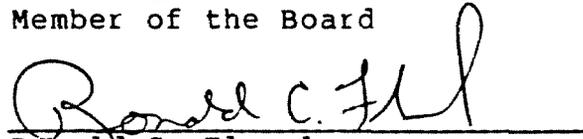
DISSENTING OPINION (by B. Forcade and R. C. Flemal):

We dissent from the Board's decision to continue this matter and de facto grant of interlocutory appeal regarding the hearing officer's ruling on incorporation.

First, the February 3, 1986, transcript demonstrates this is a proceeding with several objectors, including one objector added at hearing (R. 148), significant citizen testimony and questioning, and substantial public interest. At least one citizen objector was unable to attend the February 3 hearing (R. 42). Additionally, citizen testimony objected to continued delay in this proceeding (R. 172). Despite the significant public concern and involvement in this proceeding, the Board has allowed a last minute cancellation of the scheduled hearing. We can think of no better way to discourage public participation at hearings.

We would have required the April 17 hearing to proceed, at which time Modine Manufacturing Company's expert could testify to the extent possible. Any additional testimony that might be required, based on resolution of the incorporation issue, could be schedule for a future hearing.


Bill S. Forcade
Member of the Board


Ronald C. Flemal
Member of the Board

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 16th day of April, 1986.

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