

ILLINOIS POLLUTION CONTROL BOARD
April 29, 1982

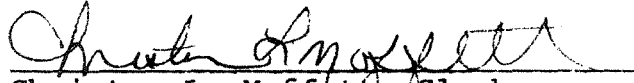
MODINE MANUFACTURING COMPANY,)
)
) Petitioner,)
)
) v.) PCB 79-112
)
) ILLINOIS ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by I. Goodman):

The Illinois Environmental Protection Agency has moved to dismiss this variance petition which was originally filed on May 22, 1979. Modine responded and, on April 27, 1982, also filed a Second Amended Petition. This is the second time within a year the Agency has moved to dismiss alleging delay by Petitioner; this is the second time Petitioner has responded with an Amended Petition. Therefore, if after the Agency amends its Recommendation Modine still desires a hearing, said hearing shall be held no later than forty-five (45) days after the Agency's filing. The Agency's motion is hereby denied.

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 24th day of April, 1982 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board