

ILLINOIS POLLUTION CONTROL BOARD
February 4, 1988

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

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon Petitioner's January 25, 1988 Petition For Variance, seeking relief from 35 Ill. Adm. Code 302.212 and 304.105.

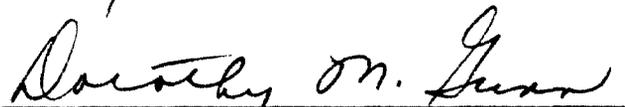
The Petition is incomplete insofar as it fails to include a plan of eventual compliance. Petitioner should be aware that its intention to challenge the regulations is not a sufficient plan of compliance. Requirements for contents of a petition for variance are set forth at 35 Ill. Adm. Code 104.120.

Also, the Petition indicates an intention to challenge the regulations pursuant to Village of Carey v. PCB, 82 Ill. App. 3d 293, 801 (1980). There is a dearth of law on matters related to such a challenge, to wit: Standards of proofs, pleadings, standards of review, etc.... Petitioner is ordered to brief these issues in its Amended Application.

If Petitioner does not file an amended petition, curing the above noted defects and briefing the 'Carey issues' within 45 days of the date of this Order, this matter shall be subject to dismissal.

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 4th day of February, 1988 by a vote of 7-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board