

ILLINOIS POLLUTION CONTROL BOARD
February 4, 1988

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

ORDER OF THE BOARD (by R. C. Flemal):

This matter comes before the Board upon a Motion to Amend and Modify filed by Modine Manufacturing Company, Inc. ("Modine") on January 25, 1988. Modine moves the Board to amend and modify its Opinion and Order entered December 22, 1987 which, inter alia, granted the variance from October 16, 1985 to December 31, 1987.

Specifically, Modine requests that the Board modify the commencement of variance to March 1, 1985, the date of expiration of the previous variance granted in PCB 82-111 (58 PCB 207). Modine further requests the Board to allow it to amend its variance petition to now include a compliance date of July 15, 1988, and that the Board then modify the variance which expired December 31, 1987 to expire on July 15, 1988. Modine further requests that the Board extend the time period for filing its acceptance of the variance in this matter to within 45 days after the date of the Board's ruling on this motion.

The Board finds that the dates of the variance as granted have sufficient justification in light of the facts and circumstances of this proceeding as discussed by the Board in its December 22, 1987 Opinion and Order. The Board further notes that Modine has currently filed with the Board a site-specific rule change, R87-36; and a new variance petition, PCB 88-25; both of which involve the subject of the variance in this proceeding. The Board believes it best for Modine to proceed under those dockets. The Board accordingly denies Modine's Motion to Amend and Modify, except that Modine may file its acceptance, in the form set forth in the December 22, 1987 Opinion and Order, within 45 days of the date of this Order.

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