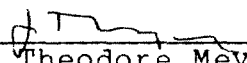


ILLINOIS POLLUTION CONTROL BOARD
October 20, 1988

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

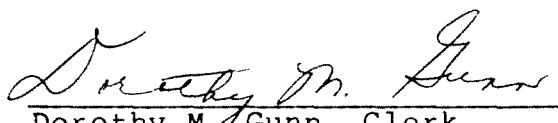
DISSENTING OPINION (by J. Theodore Meyer):

I dissent from the majority's order granting petitioner Modine Manufacturing Company's (Modine) motion for leave to file instanter its response to the Illinois Environmental Protection Agency's (Agency) variance recommendation. The Agency's recommendation was filed on August 5, 1988. Pursuant to the Board's procedural rules, a variance petitioner has seven days after receipt of the Agency recommendation to file any response to the recommendation. (35 Ill. Adm. Code 104.181.) Modine's motion to file its response instanter was filed on October 11, 1988. Thus, Modine's response was filed seven weeks late. Given the pressure on the Board to keep its proceedings moving at a reasonable pace, and given the fact that Modine's motion to file instanter basically states only that its response is late because of the large amount of factual information requested in the Agency's recommendation and because of the press of other businesses, I would deny the motion file instanter.



J. Theodore Meyer
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 24th day of October, 1988.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board