ILLINOIS POLLUTION CONTROL BOARD
November 7, 1985

MODINE MANUFACTURING COMPANY, Petitioner,	)	
v.	)	PCB 83-18
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)	

ORDER OF THE BOARD (by B. Forcade):

This matter has been pending before the Board since February 9, 1983, more than two and a half years. On July 19, 1984, the Board entered an order requiring hearing to be scheduled within 30 and held within 90 days. Instead, an amended petition was accepted on September 9, 1984, at the same time as a motion for reconsideration of the July 19, 1984, Order. Another amended petition was filed on April 23, 1985, and what was entitled a Second Amended Petition was filed on October 16, 1985.

This proceeding has been pending far too long, especially since Modine has been able to avoid the application of the rule from which variance is requested, pursuant to 35 Ill. Adm. Code 104.102, ever since the original variance was filed. Under that rule, the Board may order hearing upon five days notice. Obviously, the intent is that a proceeding such as this shall be expeditious. This proceeding has not been. However, henceforth it shall be.

The Agency shall make its recommendation to the Board on or before November 15, 1985, and hearing shall be scheduled on or before that date and held no later than December 13, 1985.

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 7th day of November, 1985, by a vote of 7-0.

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