

ILLINOIS POLLUTION CONTROL BOARD
June 30, 1983

MODINE MANUFACTURING CO.,)
)
) Petitioner,)
)
) v.) PCB 82-111
)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On June 20, 1983 Modine filed a motion for a 45-day continuance of the hearing(s) on its variance petition, currently scheduled for July 6, 7, and 8. Grounds for the motion are that its consultant will not have finished a report concerning treatment possibilities for Modine's waste stream until about a week after the scheduled hearing.

On June 29, the Agency filed a response objecting to further delay in this matter. It notes the history of delay in this action and its predecessor petition PCB 79-112, dismissed August 18, 1982 for reasons of extraordinary delay and failure to present a compliance plan. Modine filed a reply to the Agency response, which is accepted pursuant to 35 Ill. Adm. Code 103.140(c).

As "Modine is not requesting the continuance because it is not prepared to go forward at hearing" (Motion, p. 3), the Board believes the best course is for hearing to proceed on July 6, to the extent practicable in the absence of the consultant's report. An additional hearing should thereupon be scheduled, to proceed should additional testimony be desirable upon receipt of the report.

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 30th day of June, 1983 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board