

ILLINOIS POLLUTION CONTROL BOARD  
July 3, 1990

MODINE MANUFACTURING CO., )  
 )  
 ) Petitioner, )  
 ) ) PCB 86-124  
 ) v. ) (Permit Appeal)  
 ) )  
 ) ILLINOIS ENVIRONMENTAL )  
 ) PROTECTION AGENCY )  
 ) )  
 ) Respondent. )

ORDER OF THE BOARD (J. Marlin):

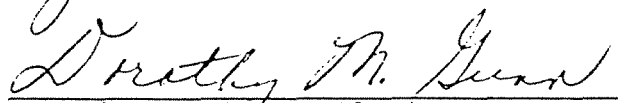
On June 29, 1990, the Petitioner filed a Motion for Leave to File Instantly a response to the Board's June 7, 1990 Order and a Motion for Remand with the Clerk. The Motion to File Instantly is hereby granted.

The Petitioner's response to the Board's June 7, 1990 Order indicates that a dismissal of this permit appeal without issuance by the Illinois Environmental Protection Agency (Agency) of a subsequent permit would technically open up the avenue of enforcement against Petitioner for violation of the underlying permit. The Petitioner's response indicated that the Agency has no objection to the response.

Therefore, the Petitioner filed a motion requesting the Board to remand this permit appeal to the Agency for further action consistent with the site-specific relief granted in R87-36. The Petitioner's motion indicated that the Agency has no objection and does not intend to file a response. The motion to remand is hereby granted and this docket is closed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Order was adopted on the 3rd day of July, 1990, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board