ILLINOIS POLLUTION CONTROL BOARD
April 18, 1985

FEDDERS-USA,   )
)
              Petitioner,   )
)
        v.   )   PCB 83-47
)
ILLINOIS ENVIRONMENTAL   )
   PROTECTION AGENCY,   )
)
              Respondent.   )

ORDER OF THE BOARD (by J.D. Dumelle):

     This matter comes before the Board upon an April 10, 1985,
motion for continuance and an April 11, 1985, second amended
petition for variance filed on behalf of Fedders-USA. Fedders
requests that the hearing scheduled for this date be continued
based upon its anticipated (and now its actual) filing of a
second amended petition. The motion for continuance is hereby
granted.

     The Board notes, however, that the scheduling of this
hearing was pursuant to a February 20, 1985, Order requiring
hearing to be held within 60 days of that Order (April 22, 1985)
due to a lack of activity in this proceeding since issuance of a
hearing officer order on April 25, 1984, requiring a status
report by July 15, 1984. The Board further notes that this
proceeding was filed on April 8, 1983, and that now two years
later this proceeding has barely proceeded at all. Therefore,
the Board will not look with favor at further continuances. The
Board fully expects that the Illinois Environmental Protection
Agency will file its recommendation within 30 days and that
hearing will be held within 60 days of the filing of the second
amended petition pursuant to Board rules. While Fedders has
waived hearing, the Board reaffirms its May 5, 1983 order that
hearing be held.

     The Board notes that a retroactive variance has been
requested and that retroactive relief must be specially
justified. The Board further notes that, contrary to Fedders'
assertion, it has not ordered that this matter and PCB 85-5, a
related matter, be assigned to a single hearing officer. It is,
however, the Board's intent to do so.

     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 _____*18th*_____ day of ____*April*____, 1985 by a vote
of __*5-0*__.

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