

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
SHERIDAN-JOLIET LAND)
DEVELOPMENT, LLC, an Illinois limited-)
liability company, and SHERIDAN SAND)
& GRAVEL CO.,)
)
Respondents.)

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STATE OF ILLINOIS
Pollution Control Board

PCB No. 13-19
and
PCB No. 13-20 (To be Consolidated)

MOTION FOR CONSOLIDATION

Respondents, SHERIDAN-JOLIET LAND DEVELOPMENT, LLC, an Illinois limited-liability company, and SHERIDAN SAND & GRAVEL CO. (collectively "SHERIDAN"), by their attorney, Kenneth Anspach, pursuant to Section 101.406 of the General Rules of the Pollution Control Board, 35 Ill. Adm. Code 101.406, hereby moves the Pollution Control Board (the "Board") to consolidate the causes, both entitled *People of the State of Illinois v. Sheridan-Joliet Land Development, LLC, an Illinois limited-liability company, and Sheridan Sand & Gravel Co.*, and docketed in the Pollution Control Board (the "Board") as Case No. PCB No. 13-19 (for alleged violations at the N 4201 Road Site, Sheridan, Illinois) and Case No. PCB No. 13-20 (for alleged violations at the Wiensland Site, Sheridan, Illinois), and in support thereof states as follows:

1. By way of background, Sheridan operates two permitted CCDD disposal facilities at 105 S. Wiensland (the "Wiensland Site") and at 2671 N. 4201 Road (the "N 4201 Road Site") in Sheridan, Illinois.

2. Since both facilities are located within the Village of Sheridan and separated by less than two miles, it was SHERIDAN's intent to apply for one CCDD permit that would govern both facilities.

3. However, because the properties are not contiguous, separate CCDD applications and permits were required by the Illinois Environmental Protection Agency ("Illinois EPA").

4. It should also be noted that only one site is open at a time, and while both sites are actively receiving fill material, all of the administrative oversight, including soil testing review and approval, is performed at a single location.

5. With minor variations, the two cases, PCB 13-19 and PCB 13-20, both address alleged record keeping violations of the Illinois Environmental Protection Act (the "Act"), 415 ILCS 5/1 *et seq.* and, specifically, 415 ILCS 5/22.51, entitled Clean Construction or Demolition Debris Fill Operations ("CCDD") and of the Board CCDD Regulations, 35 Ill. Adm. Code 1100.101 *et seq.* and 35 Ill. Adm. Code 1150.100 *et seq.* Neither case sets forth any allegations of any impact to the environment.

6. Section 101.406 of the Board General Regulations, 35 Ill. Adm. Code 101.406, states as follows:

Consolidation of Claims

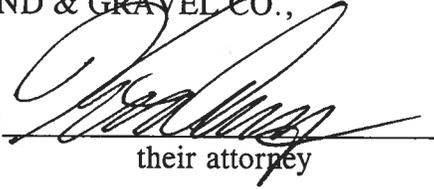
The Board, upon the motion of any party or upon its own motion, may consolidate two or more proceedings for the purpose of hearing or decision or both. The Board will consolidate the proceedings if consolidation is in the interest of convenient, expeditious, and complete determination of claims, and if consolidation would not cause material prejudice to any party. The Board will not consolidate proceedings where the burdens of proof vary.

7. SHERIDAN requests that both causes, PCB No. 13-19 and PCB No. 13-20, be consolidated pursuant to Section 101.406 of the Board General Regulations, 35 Ill. Adm. Code 101.406.

8. SHERIDAN so moves because, first of all, consolidation is in the interest of convenient, expeditious, and complete determination of claims. Secondly, consolidation would not cause material prejudice to any party. Finally, the burdens of proof are not expected to vary between the two cases.

WHEREFORE, SHERIDAN moves that causes PCB No. 13-19 and PCB No. 13-20 be consolidated.

Respondents, SHERIDAN-JOLIET LAND DEVELOPMENT, LLC, an Illinois limited-liability company, and SHERIDAN SAND & GRAVEL CO.,

By: 

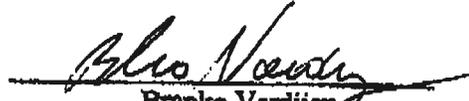
their attorney

KENNETH ANSPACH, ESQ.
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Attorney No. 55305

THIS FILING IS SUBMITTED ON RECYCLED PAPER.

Verification by Certification

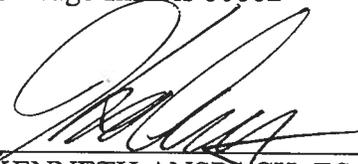
Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the attached Motion for Consolidation are true and correct to the best of his knowledge.


Branko Vardijan

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalties of perjury as provided by law pursuant to 735 ILCS 5/1-109, that the attached Motion for Consolidation was ___ personally delivered, X placed in the U. S. Mail, with first class postage prepaid, ___ sent via facsimile and directed to all parties of record at the address(es) set forth below on or before 5:00 p.m. on the 30th day of November, 2012.

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