

ILLINOIS POLLUTION CONTROL BOARD
October 18, 2001

ESG WATTS, INC.,)	
)	
Petitioner,)	PCB 00-206
)	PCB 00-207
v.)	PCB 00-208
)	PCB 01-62
ILLINOIS ENVIRONMENTAL)	PCB 01-63
PROTECTION AGENCY,)	PCB 01-64
)	(Permit Appeal – Land)
Respondent.)	(Consolidated)

ORDER OF THE BOARD (by E.Z. Kezelis):

On October 5, 2001, petitioner made an oral motion to consolidate these matters for hearing. The oral motion was made to the Board's Hearing Officer, Steven Langhoff, during a pre-scheduled conference call. Respondent's attorney was present for the conference call and made no objection to the requested consolidation. By hearing officer order of October 10, 2001, this matter was referred to the Board for disposition.

The six cases for which consolidation is sought are all scheduled for hearings beginning on December 10, 2001. All six involve appeals by petitioner of Illinois Environmental Protection Agency determinations regarding financial assurance for each of petitioner's three landfills (Sangamon Valley, Taylor Ridge, and Viola).

Section 101.406 of the Board's procedural rules provides that the Board may, upon the motion of any party or upon its own motion, consolidate two or more proceedings for the purpose of hearing or decision or both. 35 Ill. Adm. Code 101.406. Section 101.406 provides, in pertinent part:

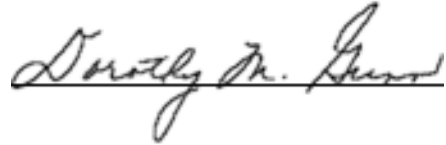
The Board . . . will consolidate the proceedings if consolidation is in the interest of convenient, expeditious, and complete determination of claims, and if consolidation would not cause material prejudice to any party. 35 Ill. Adm. Code 101.406.

In the interest of promoting a convenient, expeditious, and complete determination of claims between the parties, the Board grants petitioner's oral motion to consolidate these matters for purposes of hearing. Neither party will be prejudiced by this consolidation. The Board defers a decision on consolidation for purposes of decision until after the hearing.

The Board notes that petitioner's October 5, 2001 waiver of decision deadline, filed as if the cases were already consolidated, will be applicable to each of the cases consolidated herein.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 18, 2001, by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board