

ILLINOIS POLLUTION CONTROL BOARD
July 6, 1978

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 78-137
)
CITY OF SALEM, an Illinois)
Municipal Corporation,)
)
Respondent.)

ORDER OF THE BOARD (by Mr. Young):

On June 16, 1978, Respondent filed a Motion for Joinder of Parties stating that two corporations were necessary parties to this action in order to place the responsibility for any mis-design or mis-construction to Respondent's plant. The question is not an issue in this case and the Motion is denied.

Respondent has filed a Motion for a Continuance in the proceedings; the Hearing Officer shall set hearing for a date on or after September 15, 1978.

On July 3, 1978, the Complainant filed a Motion to Consolidate this proceeding with a variance action filed by the City of Salem and docketed as PCB 78-167. In view of the continuance granted above and since there has been no waiver of the 90-day limitation of Section 38 by the Petitioner, the Motion is denied. In most instances, because Complainant has the burden of proof in an enforcement action and the Petitioner has the burden in a variance action, a consolidation of an enforcement case and a variance petition offers minimal advantage.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 6th day of July, 1978 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board