

ILLINOIS POLLUTION CONTROL BOARD
February 5, 2004

R.W. SHERIDAN OIL CO., INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 03-88
)	PCB 04-109
ILLINOIS ENVIRONMENTAL)	(UST Appeal)
PROTECTION AGENCY,)	(Consolidated)
)	
Respondent.)	

ORDER OF THE BOARD (by A.S. Moore):

On January 29, 2004, R.W. Sheridan Oil Co., Inc. (Sheridan) filed a motion to consolidate two underground storage tank (UST) appeals pending before the Board. For the reasons below, the Board grants the motion.

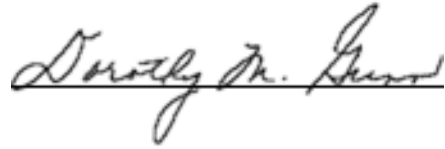
By way of background, on April 3, 2003, the Board accepted Sheridan's petition asking the Board to review a November 13, 2002 determination of the Illinois Environmental Protection Agency (Agency). In its determination, the Agency modified Sheridan's proposed High Priority Corrective Action Plan and UST Fund Budget concerning a leaking UST site at 301 South Chestnut in Le Roy, McClean County. The Board docketed that appeal as PCB 03-88. On January 8, 2004, the Board accepted another Sheridan petition, this time asking the Board to review a November 26, 2003 determination of the Agency. In that determination, the Agency modified Sheridan's proposed Amended High Priority Corrective Action Plan and UST Fund Budget concerning the same leaking UST site in Le Roy. The Board docketed that appeal as PCB 04-109.

In its motion to consolidate, Sheridan represents that the primary dispute in both appeals is over project manager time under the respective plans for remediating contamination at the same site. Motion at 1-2. Sheridan further states that consolidation would be in the interest of a convenient, expeditious, and complete determination of the claims and would not materially prejudice either party. Sheridan also notes that the burden of proof in each appeal is the same. *Id.* at 2. The Agency has not objected to consolidation, and Sheridan has waived the statutory decision deadline in each appeal to May 20, 2004.

The Board grants Sheridan's motion to consolidate. The appeals are consolidated for hearing, but not necessarily for Board decision. *See* 35 Ill. Adm. Code 101.406. Future filings must reflect the amended caption of this order.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 5, 2004, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board