

ILLINOIS POLLUTION CONTROL BOARD

May 6, 2004

ILLINOIS STATE TOLL HIHGWAY)	
AUTHORITY (Des Plaines South),)	
)	
Petitioner,)	
)	
v.)	PCB 04-103
)	PCB 04-119
ILLINOIS ENVIRONMENTAL)	(UST Appeal)
PROTECTION AGENCY,)	(Consolidated)
)	
Respondent.)	

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

The Illinois State Toll Highway Authority (ISTHA) has filed two petitions asking the Board to review two final decisions of the Illinois Environmental Protection Agency (Agency). Both Agency decisions concern ISTHA's leaking underground storage tank (UST) site at the Des Plaines South Oasis, located at milepost 4.5, eastbound on the Northwest Tollway (I-90) in Des Plaines, Cook County. The Board has separately accepted each petition for hearing. Today the Board grants ISTHA's motion to consolidate the two appeals.

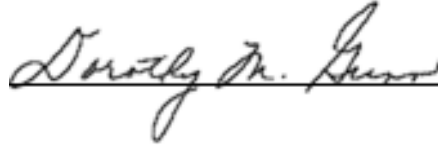
On April 1, 2004, the Board accepted for hearing ISTHA's March 23, 2004 petition asking the Board to review the Agency's November 18, 2003 determination modifying ISTHA's corrective action plan budget. The Board docketed the appeal as PCB 04-103. On April 15, 2004, the Board accepted for hearing ISTHA's April 7, 2004 petition asking the Board to review the Agency's December 4, 2003 determination rejecting ISTHA's high priority corrective action plan completion report. The Board docketed the appeal as PCB 04-119.

At issue today is ISTHA's April 29, 2004 motion to consolidate the two appeals for hearing and decision. ISTHA states that the parties and the burdens of proof are the same in the two appeals, and that the "facts relating to the Corrective Action Plan and Budget are materially similar to those relating to the Corrective Action Completion Report." Motion at 2. ISTHA further states that "consolidation is in the interest of convenient, expeditious, and complete determination of claims, and consolidation would not cause material prejudice to any party." *Id.* ISTHA has waived the Board's statutory decision deadline in each appeal to November 3, 2004.

The Board grants ISTHA's motion. *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 May 6, 2004, by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board