

ILLINOIS POLLUTION CONTROL BOARD
October 14, 1982

DONALD J. HAMMAN,)
)
) Petitioner,)
)
) v.) PCB 80-153
)
) ILLINOIS ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by J.D. Dumelle):

On October 5, 1982 the Illinois Environmental Protection Agency (Agency) filed a motion for modification of the Board's September 15, 1982 Order in this matter to which Donald Hamman responded on October 12, 1982. The Agency requests that this case be consolidated with PCB 82-15. Some history is useful:

- July 21, 1980: Agency denies Hamman application for development permit for solid waste disposal site. Hamman appeals (PCB 80-153).
- January 8, 1981: Board reverses and remands to Agency for issuance of development permit.
- November 19, 1981: Board reaffirms January 8, 1981 Order upon rehearing.
- December 31, 1981: Agency issues development permit as ordered by the Board.
- February 16, 1982: Hamman appeals development permit condition regarding special wastes (PCB 82-15) to the Board.
- June 28, 1982: Appellate Court orders that development permit issue with a condition concerning improvement of access road.

The Agency argues that "an anomaly" has been created by these two permit appeals concerning development of Hamman's site: in PCB 80-153 the Agency is to issue a permit containing a condition regarding access roads while another permit remains in existence containing a controverted condition regarding special wastes (PCB 82-15). Further, a petition for review has

been filed with the Supreme Court contesting the Appellate Court's decision regarding PCB 80-153. While agreeing that multiple permits should be avoided, Hamman opposes consolidation for fear that resolution of the "relatively simple" issues of PCB 82-15 will be "unduly delayed" by consolidation.

The Board agrees that consolidation could lead to further complication of these proceedings and that multiple permits also could cause unnecessary confusion. Therefore, the motion to modify and consolidate is denied, but on its own motion the Board hereby stays the effectiveness of its September 15, 1982 Order in PCB 80-153 pending a final determination in R82-15.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 14th day of October, 1982 by a vote of 5-0.


 Christan L. Moffett, Clerk
 Illinois Pollution Control Board