

ILLINOIS POLLUTION CONTROL BOARD  
July 10, 1980

VILLAGE OF HILLSIDE, et.al., )  
 )  
 Complainants, )  
 )  
 v. ) PCB 80-60  
 )  
 JOHN SEXTON SAND AND GRAVEL CORP., )  
 et.al., )  
 )  
 Respondents, )  
 )  
 CITIZENS FOR A BETTER ENVIRONMENT, )  
 )  
 Intervenor. )

ORDER OF THE BOARD (by I. Goodman):

CBE's appeal of the hearing officer's denial of its petition to intervene, filed by the hearing officer on June 30, 1980, is granted. The hearing officer's order is overruled.

Under Procedural Rule 310, intervention is permitted when, upon timely written application, either (1) Petitioner is so situated that it may be adversely affected by a final Board Order or (2) Petitioner's claim or defense involves a common question of law or fact.

Without deciding whether CBE's "members in and around Hillside" are so situated that they may be adversely affected by a final Board Order, the Board finds that, because CBE adopted Hillside's complaint as its own, CBE necessarily presents claims involving identical questions of law and fact. For this reason, CBE is entitled to intervene as party Complainant.

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 10<sup>th</sup> day of July, 1980 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board