

ILLINOIS POLLUTION CONTROL BOARD
May 24, 1979

INTERLAKE, INC.,)
)
) Petitioner,)
))
) v.) PCB 79-55
))
 ENVIRONMENTAL PROTECTION AGENCY,)
))
) Respondent.)


ORDER OF THE BOARD (by Mr. Goodman):

On May 8, 1979, Interlake, Inc., filed a Motion to Consolidate this permit appeal with a variance proceeding it initiated, docketed PCB 79-104. In the alternative, Interlake moves for the appointment of the same hearing officer in both proceedings and for a continuance of the hearing scheduled by the Hearing Officer in PCB 79-55 from May 30, 1979, to a date which allows the hearing in PCB 79-55 and the hearing on PCB 79-104 to be scheduled consecutively, either on the same day or on successive days.

The Board has recently stated that consolidation of a permit appeal and a variance proceeding is inappropriate because of the different types of proof and issues involved in these two types of cases. Interlake, Inc. v. EPA, PCB 79-38 (Order of the Board, dated April 26, 1979); Beker Industries Corp v. EPA, PCB 79-9 (Order of the Board, dated January 18, 1979). The Motion to Consolidate is hereby denied. However, the Board finds that the request for consecutive hearings by the same hearing officer is reasonable. We will grant the request and order that consecutive hearings in PCB 79-55 and PCB 79-104 be held within 45 days of the date of this Order.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 24th day of May, 1979 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board