

ILLINOIS POLLUTION CONTROL BOARD
March 15, 2007

VILLAGE OF WILMETTE,)
)
 Petitioner,)
)
 v.) PCB 07-27
) (UST Appeal)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

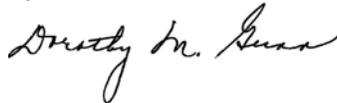
ORDER OF THE BOARD (by G.T. Girard):

On November 2, 2006, the Board accepted this underground storage tank appeal for hearing. On November 22, 2006, the Illinois Environmental Protection Agency (Agency) filed a motion for summary judgment. Pursuant to orders by the hearing officer petitioner, the Village of Wilmette (Wilmette) response is not yet due. On January 18, 2007, Wilmette filed a motion seeking to consolidate this proceeding with PCB 07-48, Village of Wilmette v. IEPA. The Agency has not responded to the motion to consolidate

Today the Board addresses only the motion to consolidate. The Board “will consolidate the proceedings if consolidation is in the interest of convenient, expeditious, and complete determination of claims, and consolidation would not cause material prejudice to any party.” 35 Ill. Adm. Code 101.406. Currently, a motion for summary judgment is pending in this proceeding, but not in PCB 07-48. Thus, until the motion for summary judgment is resolved or a similar motion is filed in PCB 07-48, the Board finds that consolidation is not in the interest of convenient, expeditious, and complete determination of the claims. Therefore, the Board denies the motion to consolidate.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 15, 2007, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board