

ILLINOIS POLLUTION CONTROL BOARD
July 10, 2008

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY)	
)	
Complainant,)	
)	
v.)	AC 07-24
)	(IEPA No. 304-06-AC)
C. JOHN BLICKHAN,)	AC 08-19
)	(IEPA No. 23-08-AC)
Respondent.)	(Administrative Citation)
)	(Consolidated)

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

On October 20, 2006, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against C. John Blickhan in AC 07-24. The Agency alleged that the respondent violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2006)). The Agency further alleged that the respondent violated these provisions by causing or allowing the open dumping of waste resulting in litter, open burning, and the deposition of general construction or demolition debris or clean construction or demolition debris at a facility located at Lock and Dam Road, Quincy, Adams County. On November 9, 2006, the respondent timely filed a petition to contest the administrative citation. In an order dated November 16, 2006, the Board accepted the petition for hearing.

On February 29, 2008, the Agency timely filed an administrative citation against C. John Blickhan in AC 08-19. The Agency alleged that the respondent violated Sections 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2006)). The Agency further alleged that the respondent violated these provisions by causing or allowing the open dumping of waste in a manner resulting in litter, open burning, and the deposition of general or clean construction or demolition debris at a facility located at Lock and Dam Road, Quincy, Adams County. On March 24, 2008, the respondent timely filed a petition to contest the administrative citation. In an order dated April 3, 2008, the Board accepted the petition for hearing.

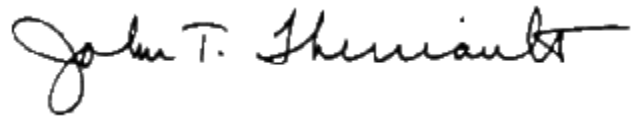
On June 10, 2008, the Agency filed a motion to consolidate for purposes of hearing (Mot.). The Agency argues that “[t]he parties and attorneys in these two cases are identical, Illinois EPA’s main witnesses are likewise identical, and the burdens of proof are identical.” Mot. at 2. The Agency further argues that “consolidation for the purpose of hearing is in the interest of convenient, expeditious, and complete determination of claims in each of these cases.” *Id.* The Agency claims that “[n]o material prejudice would be caused by consolidating these cases for hearing.” *Id.*; see 35 Ill. Adm. Code 101.406 (consolidation of cases).

Section 101.500(d) of the Board's procedural rules provides that, "[w]ithin 14 days after service of a motion, a party may file a response to the motion. If no response is filed, the party will be deemed to have waived objection to the granting of the motion, but the waiver of objection does not bind the Board or the hearing officer in its disposition of the motion." 35 Ill. Adm. Code 101.500(d). The Board has received no response to the motion to consolidate from the respondent.

The Board grants the Agency's motion to consolidate. The appeals are consolidated for hearing, but not necessarily for Board decision. *See* 35 Ill. Adm. Code 101.406. Future filings must reflect the caption of this order.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 10, 2008, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board