

ILLINOIS POLLUTION CONTROL BOARD
February 14, 1973

ENVIRONMENTAL PROTECTION AGENCY)	
)	
v.)	#72-491
)	
COMMONWEALTH EDISON COMPANY, an Illinois corporation)	
)	
ENVIRONMENTAL PROTECTION AGENCY)	
)	
v.)	#72-492
)	
COMMONWEALTH EDISON COMPANY, an Illinois corporation)	
)	
COMMONWEALTH EDISON COMPANY, an Illinois corporation)	
)	#73-40
)	
v.)	
)	
ENVIRONMENTAL PROTECTION AGENCY)	

ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

Case #72-491 is an enforcement action brought against Commonwealth Edison's Waukegan station. Case #72-492 is an enforcement action brought against Edison's Sabrooke Station, Units 1, 2, 3 and 4. Case #73-40 is a variance petition filed by Edison with respect to both the Waukegan and Sabrooke stations.

On February 1, 1973, we received a motion from the Company requesting that all three of the foregoing proceedings be consolidated into a single hearing proceeding. On February 8, 1973, we received a Motion to Sever from the Agency with respect to the variance proceeding, #73-40, asking that the two variances be considered at separate hearings.

We feel that the most expeditious way to dispose of the pending motions and structure the hearings so as to assure procedural due process to the Company, the Agency and the public would be to have two separate hearings, one with respect to both the enforcement action and the variance petition for Waukegan and the second, with respect to the enforcement action and variance petition for Sabrooke.

The motion of the Company to consolidate is denied, in part, and granted, in part. The motion of the Agency to sever with respect to Case #73-40 is granted. The Board further orders that Case #72-491 be consolidated with that portion of the variance petition of #73-40 that relates to Waukegan and that #72-412 be consolidated with that portion of the variance petition in #73-40 that relates to Sabrooke. The hearing officers heretofore assigned shall be advised of this Order by the Clerk of the Board and the respective hearings should be held in the vicinity of the plants involved. All parties may file such further pleadings and other documents as may be necessary to effectuate this order, without further order of the Board.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Order was adopted on the 14th day of February, 1973, by a vote of 3 to 0.

Christan S. Moffett