

ILLINOIS POLLUTION CONTROL BOARD
May 24, 2018

YONGXIN ENTERPRISES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 18-9
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	PCB 18-79
PROTECTION AGENCY,)	(UST Appeal)
)	(Consolidated)
Respondent.)	

ORDER OF THE BOARD (by U. Choe):

The Board has accepted two petitions from Yongxin Enterprises, Inc. asking the Board to review determinations of the Illinois Environmental Protection Agency concerning Yongxin's leaking underground storage tank (UST) site located at 201 North Park Street in Sesser, Franklin County. The first was accepted for hearing on October 5, 2017 and docketed as PCB 18-9. The second was accepted for hearing on May 10, 2018 and docketed as PCB 18-79.

In PCB 18-9, Yongxin appealed the Agency's August 17, 2017 determination to modify a site investigation plan. Yongxin Enterprises, Inc. v. IEPA, PCB 18-9 (Sept. 25, 2017). In PCB 18-79, Yongxin appealed the Agency's March 23, 2018 decision to deduct expenses from Yongxin's application for payment for early action activities. Yongxin Enterprises, Inc. v. IEPA, PCB 18-79 (Apr. 27, 2018) (Yongxin's Petition).

Yongxin filed a motion to consolidate the two cases on April 27, 2018. The parties, the UST site, and the burden of proof are the same in both appeals. Additionally, Yongxin filed an open waiver of the Board's statutory decision deadline in each appeal. The Agency did not respond to Yongxin's motion to consolidate within 14 days; it is therefore deemed to have waived objection to granting of the motion. *See* 35 Ill. Adm. Code 101.500(d). The Board finds that consolidating the appeals "is in the interest of convenient, expeditious, and complete determination of claims" and "would not cause material prejudice to any party." 35 Ill. Adm. Code 101.406. The Board grants Yongxin's motion.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 24, 2018, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board