

ILLINOIS POLLUTION CONTROL BOARD
November 19, 1998

BUTTERICK COMPANY, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 96-141
)	PCB 99-44
ILLINOIS ENVIRONMENTAL)	(UST - Appeal)
PROTECTION AGENCY,)	(Consolidated)
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

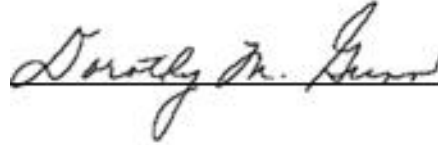
On September 17, 1998, the Illinois Environmental Protection Agency (Agency) and petitioner filed a request for extension of the 35-day appeal period pursuant to Section 40 of the Environmental Protection Act (Act) (415 ILCS 5/40(a)(1) (1996)), relating to an August 12, 1998 Agency determination. On November 16, 1998, the Board received petitioner's petition for review. The final determination concerns petitioner's site located at 3500 West 35th Street, Cicero, Cook County, Illinois.

The Board's rules require that the Agency file the entire Agency record of its review of its determination within 14 days of notice of the petition. See 35 Ill. Adm. Code 105.102. The Board accepts this matter for hearing.

The petition for review was accompanied by a motion to consolidate and a waiver of the decision deadline. See 35 Ill. Adm. Code 101.105. Petitioner requests that the Board consolidate this matter with PCB 96-141, which "concerns the same [p]etitioner, facility and issues." The motion asserts that the Agency does not object to the consolidation. The Board consolidates PCB 99-44 with PCB 96-141. The Board notes that both cases are due on the same date. Today's caption reflects the consolidation. The Board directs that all future pleadings reflect this consolidation.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 19th day of November 1998 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board